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DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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September 2, 2011

Update No. 87  
9-11

TO: Persons Holding Copies of the San Diego County Zoning Ordinance

FROM: Department of Planning and Land Use

RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by the adoption of Ordinance No. 10162 (New Series), effective September 2, 2011. This ordinance amendment consists of changes to the Zoning Ordinance resulting from adoption of the General Plan Update. These amendment pages are known as the Zoning Ordinance Consistency Review, POD 10-004 adopted by the Board of Supervisors on August 3, 2011.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete page(s) and adding new page(s) as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
Table of Contents (2 pages)	Table of Contents (2 pages)	2870 S87 Limited Control Use Regulations repealed
Def. L (1 page)	Def. L (1 page)	Definition of Lot Area, Gross and Lot Area, Net amended
N/A	Compat. Matrix (1 page)	New section 2050 with Compatibility Matrix added between 2000 and 2100
2100-2146 (3 pages)	2100-2146 (3 pages)	Residential Use Regulations and Urban Residential Use Regulations amended
2180-2185 (2 pages)	2180-2185 (2 pages)	Rural Residential Use Regulations amended
2870-2875 (1 page)	N/A	Limited Control Use Regulations repealed (page removed)
4000-4011 (2 pages)	4000-4011 (2 pages)	Development Designators amended
4100-4125 (2 pages)	4100-4125 (2 pages)	Density Designator Notation, Density Regulations and Computation of Permitted Number of Dwelling Units amended
4200-4230 (3 pages)	4200-4230 (2 pages)	Lot Area Regulations, Minimum Lot Area Requirement Met and Lot Area Averaging Conservation Subdivision amended/added

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
4810-4815 (2 pages)	4810-4815 (2 pages)	Setback Schedule Footnotes Amended
4835 (3 pages)	4835 (2 pages)	Permitted Buildings, Structures and Projections in Required Yards amended
5000 (1 page)	5000 (1 page)	Listings of Designators amended
N/A	5250-5260 (1 page)	Airport Land Use Compatibility Plan Area Regulations added between 5214 and 5300
5307 (2 pages)	5307 (1 page)	Use Regulations and Development Standards amended
5800 (1 page)	5800 (1 page)	Title and Purpose amended
5950-5957 (2 pages)	5950-5957 (2 pages)	Exemptions amended
6116-6118 (3 pages)	6116-6118 (3 pages)	Use of a Trailer Coach amended
6123-6124 (2 pages)	6123-6124 (2 pages)	Temporary Outdoor Sales amended
6156 (4 pages)	6156 (4 pages)	Various sections amended to remove S87
6156 end (1 page)	6156 end (1 page)	End of section 6156 amendment note added
6205 (1 page)	6205 (1 page)	Off Premise Signs amended
6252-6265 (3 pages)	6252-6265 (3 pages)	On Premise Signs Regulated and Freestanding Signs amended
6330 (1 page)	6330 (1 page)	Site Selection Criteria amended
6400 (1 page)	6400 (1 page)	General Standards amended
6534 (1 page)	6534 (1 page)	General Standards Mini-MH Parks amended
6621-6679 (5 pages)	6621-6679 (4 pages)	Maximum Density replaced with Computation of Permitted Number of Lots and Lot Size, Building Type, Setbacks and Open Space amended
6784-6799 (3 pages)	6784-6799 (3 pages)	Location of Parking and Design Standards for Parking amended
6861 (1 page)	6861 (1 page)	Existing Custom Manufacturing amended
6865 (1 page)	6865 (1 page)	Nonconforming Use amended
6900 (1 page)	6900 (1 page)	Ambulance Service amended
6920 (1 page)	6920 (1 page)	Cottage Industries amended
6983-6984 (2 pages)	6983-6984 (2 pages)	Definitions amended
6986-6989 (2 pages)	6986-6989 (2 pages)	Design Regulations amended

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 87 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated.

If you have questions regarding this update, please contact Carl Stiehl at (858) 694-2216 or Heather Lingelser at (858) 495-5802.



Eric Gibson, Director  
Department of Planning and Land Use

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(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

Lot Area: The total area exclusive of street within the boundary lines of a lot.

Lot Area, Gross: The total area of a legally created parcel including:

1. All private streets and other easements (such as open space easements) where the underlying property is held in fee title.
2. The area to the centerline of any abutting Non-Mobility Element road right-of-way, and
3. Only the 30 foot local interest portion of any abutting Mobility Element road right-of-way shall be included.
4. The area within any trail easement dedicated pursuant to the County Trails Program.

(Added by Ord. No. 6855 adopted on 10-10-84)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

Lot Area, Net: The gross area of a parcel minus:

1. The area of any street right-of-way,
2. Any fenced flood control or walkway easement. The area within any trail easement dedicated pursuant to the County Trails Program shall not be subtracted from the gross area of a parcel to calculate the Net Lot Area.
3. Irrevocable offers of dedication when the property is within a Village classification of the General Plan; and
4. The area contained in the panhandle of a panhandle lot when the lot is in a zone where the minimum required lot size is 10,000 square feet or less.

(Added by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

Lot, Corner: A lot situated at the angle point of a street or the intersection of 2 or more streets, which has an angle of intersection of not more than 135 degrees. Such a lot shall comply with the required setbacks for both front and exterior side yards.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

Lot Coverage: The percentage of net site area covered by the vertical projection of any structure excluding any structure not extending above grade.

Lot, Interior: A lot other than a corner lot.

Lot Depth: The horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Def. L

Lot Line, Front: The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.

Lot Line, Rear: The record lot line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or goreshaped lot, it shall mean a straight line 10 feet in length which (a) is parallel to the front line or its chord and (b) intersects the 2 other lot lines at points most distant from the front lot line.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line.

Lot, Mobilehome: (See Mobilehome Lot)

Lot, Panhandle: A panhandle lot is a lot where a portion of the lot is less than 35 feet wide for a distance of 50 feet or more and which is designed or used to provide pedestrian or vehicular access to the part of the lot which is designed for use as a building site.

(Amended by Ord. No. 6855 adopted 10-10-84)

Lot Size: (See Lot Area)

(Amended by Ord. No. 6855 adopted on 10-10-84)

Lot, Through: A lot fronting on 2 parallel or approximately parallel streets.

Lot Width: The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

Low-Income Family: (See Household, Low or Lower Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Low-Income Household: (See Household, Low or Lower Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Lower-Income Family: (See Lower-Income Household; Household, Low or Lower Income)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Lower-Income Household: A household which cannot obtain decent, safe, and sanitary housing without assistance, as determined pursuant to standards established by the Board of Supervisors. (Also see Household, Low or Lower Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)



# 2050 COMPATIBILITY MATRIX.

The Director shall prepare and cause to be inserted in copies of the Zoning Ordinance, an official Compatibility Matrix which expresses in graphic form the compatible Use Regulations contained in Sections 2100 through 2989, inclusive with the appropriate General Plan Land Use Designations.

COMPATIBILITY MATRIX																																				
SUMMARY PREPARED PURSUANT TO SECTION 2050																																				
NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance and General Plan.																																				
USE REGULATIONS																																				
	RS	RD	RM	RV	RU	RRO	RR	RC	RMH	C30	C31	C32	C34	C35	C36	C37	C38	C40	C42	C44	C46	M50	M52	M54	M56	M58	A70	A72	S80	S82	S86	S88	S90	S92	S94	
Land Use Designations	R S	R D	R M	R V	R U	R R O	R R	R C	R M H	C 3 0	C 3 1	C 3 2	C 3 4	C 3 5	C 3 6	C 3 7	C 3 8	C 4 0	C 4 2	C 4 4	C 4 6	M 5 0	M 5 2	M 5 4	M 5 6	M 5 8	A 7 0	A 7 2	S 8 0	S 8 2	S 8 6	S 8 8	S 9 0	S 9 2	S 9 4	
Village Residential																																				
Village Residential 30 (VR-30)	O	•	•	•	•	•		•	•		O		O	O													O	O	•	O	O	•	•	O	•	
Village Residential 24 (VR-24)	O	•	•	•	•	•		•	•		O		O	O														O	O	•	O	O	•	•	O	•
Village Residential 20 (VR-20)	O	•	•	•	•	•		•	•		O		O	O														O	O	•	O	O	•	•	O	•
Village Residential 15 (VR-15)	O	•	•	•	•	•		•	•		O		O	O														O	O	•	O	O	•	•	O	•
Village Residential 10.9 (VR-10.9)	•	•	•	•	•	•		O	•		O		O	O														O	O	•	O	O	•	•	O	•
Village Residential 7.3 (VR-7.3)	•	•	•	•	•	•		O	•		O		O	O														O	O	•	O	O	•	•	O	•
Village Residential 4.3 (VR-4.3)	•	•	•	•	•	•	O	O	•																			O	O	•	O	O	•	•	O	•
Village Residential 2.9 (VR-2.9)	•	•	•	•	•	•	O	O	•																			O	O	•	O	O	•	•	O	•
Village Residential 2 (VR-2)	•	•	O	O	•	•	•	O	•																			O	O	•	O	O	•	•	O	•
Semi-Rural																																				
Semi-Rural 0.5 (SR-.05)	•	•	O	O	O	•	•	O	•																			O	O	•	O	O	•	•	O	•
Semi-Rural 1 (SR-1)	•	•	O	O	O	•	•	O	•																			O	O	•	O	O	•	•	O	•
Semi-Rural 2 (SR-2)	•	O				O	•	O	O						O			O		O								•	•	•	O	O	•	•	•	•
Semi-Rural 4 (SR-4)	O					O	•	O	O						O			O		O								•	•	•	O	O	•	•	•	•
Semi-Rural 10 (SR-10)	O					O	•	O	O						O			O		O								•	•	•	O	O	•	•	•	•
Rural Lands																																				
Rural Lands 20 (RL-20)							•		O						O			O		O								•	•	•	O	O	•	•	•	•
Rural Lands 40 (RL-40)							•		O						O			O		O								•	•	•	O	O	•	•	•	•
Rural Lands 80 (RL-80)							•		O						O			O		O								•	•	•	O	O	•	•	•	•
Commercial																																				
General Commercial (C-1)										•	O	•	•	•	•	O	O	O	•	•	•									•		•	•	•	•	
Office Professional (C-2)										•	O	O	O	O	O	O	O	O	O	O	•										•		•	•	•	•
Neighborhood Commercial (C-3)								O		•	O	•	O	O	O	O		O	O	O	O										•		•	•	•	•
Rural Commercial (C-4)								O		O	O	•	O	O	O	O	O	•	•	•	O											•	•	•	•	•
Village Core Mixed Use (C-5)					O			O		•	•	•	•	•	•	•	•	O	•	O	•											•	•	•	•	•
Industrial																																				
Limited Impact Industrial (I-1)															O	O	O	O				•	•	O						•		•	•	•	•	
Medium Impact Industrial (I-2)															O	•	•	•				O	•	•	•	O						•	•	•	•	
High Impact Industrial (I-3)															O	O	O	O					O	•	•	•						•	•	•	•	•
Other																																				
Tribal Lands (TL)																																				
Public Agency Lands	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	•	•	O	•	•	O	•
Specific Plan Area (SPA)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Public/Semi-Public Facilities (P/SP)																														•	•		•	•	•	•
Open Space-Conservation (OS-C)						O	O																										•	•	•	•
Open Space-Recreation (OS-R)						O	O																									•		•	•	•
MATRIX LEGEND: • Consistent Use Regulation, o Special Circumstances																																				

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)



RESIDENTIAL USE REGULATIONS

RS SINGLE FAMILY RESIDENTIAL USE REGULATIONS  
 RD DUPLEX/TWO FAMILY RESIDENTIAL USE REGULATIONS  
 RM MULTI-FAMILY RESIDENTIAL USE REGULATIONS  
 RV VARIABLE FAMILY RESIDENTIAL USE REGULATIONS

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

## 2100 INTENT.

The provisions of Section 2100 through Section 2109, inclusive, shall be known as the RS Single Family Residential Use Regulations, the RD Duplex/ Two Family Residential Use Regulations, the RM Multi-Family Residential Use Regulations, or the RV Variable Family Residential Use Regulations, depending on the building type specified in the title. These Use Regulations are intended to create and enhance areas where family residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public service are available and where there is a desire to create residential neighborhoods and to maintain such neighborhoods once developed. Application of the appropriate Use Regulations with appropriate development designators can create a traditional, exclusively single-family residential area, a duplex or two- family residential area, a multi-family residential area, or an area with a combination of single family, duplex, two-family or multi-family dwellings.

## 2102 PERMITTED USES.

The following use types are permitted by the RS, RD, RM, and RV Use Regulations:

## a. Residential Use Types.

Family Residential

## b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

## c. Agricultural Use Types.

Horticulture: Cultivation

Tree Crops

Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

2103

**2103 PERMITTED USES SUBJECT TO LIMITATIONS.**

The following use types are permitted by the RS, RD, RM and RV Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Mobilehome Residential "18"

b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

**2104 USES SUBJECT TO MINOR USE PERMIT.**

The following use types are permitted by the RS, RD, RM, and RV Use Regulations, upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities

Small Schools

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

**2105 USES SUBJECT TO MAJOR USE PERMIT.**

The following use types are permitted by the RS, RD, RM, and RV Use Regulations, upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services

Child Care Center

Civic, Fraternal or Religious Assembly

Clinic Services

Community Recreation

Cultural Exhibits and Library Services

Group Care

Major Impact Services and Utilities

Parking Services

Postal Services

b. Commercial Use Types.

Wholesaling, Storage and Distribution: Mini-Warehouses, RM and RV only (See Section 6300 and Section 6909)

c. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 6984 (N.S.) adopted 7-03-85)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2106 USES SUBJECT TO MAJOR USE PERMIT IN CERTAIN PLANNED DEVELOPMENTS. The following use types are permitted by the RS, RD, RM, and RV Use Regulations if approved by a major use permit as part of a Planned Development which has the minimum site area required by Section 6610 and which is developed pursuant to the Planned Development Standards commencing at Section 6600.

a. Commercial Use Types.

Administrative and Professional Services

Agricultural and Horticultural Sales (all types)

Automotive and Equipment: Parking

Business Support Services

Convenience Sales and Personal Services

Eating and Drinking Establishments

Financial, Insurance and Real Estate Services

Food and Beverage Retail Sales

Medical Services

Participant Sports and Recreation (all types)

Personal Services, General

Retail Sales: General

Retail Sales: Specialty

Spectator Sports and Entertainment: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5878 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

2140

## RU URBAN RESIDENTIAL USE REGULATIONS

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 2140 INTENT.

The provisions of Section 2140 through Section 2149, inclusive, shall be known as the RU Urban Residential Use Regulations. The RU Use Regulations are intended to create and enhance areas where permanent family residential uses are permitted and institutional residential care uses are conditionally permitted and civic uses are permitted when they serve the needs of the residents. Typically, the RU Use Regulations would be applied to rural, suburban, or urban areas where adequate levels of public services are available. Various applications of the RU Use Regulations with appropriate development designators can create areas which have a single-family character or areas which, because of the scale of structures, are recognizable as high-density areas.

### 2142 PERMITTED USES.

The following use types are permitted by the RU Use Regulations:

#### a. Residential Use Types.

Family Residential  
Group Residential

#### b. Civic Use Types.

Essential Services  
Fire Protection Services (see Section 6905)

#### c. Agricultural Use Types.

Horticulture: Cultivation  
Tree Crops  
Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

#### 2143 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the RU Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

##### a. Residential Use Types.

Mobilehome Residential "18"

##### b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

#### 2144 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the RU Use Regulations upon issuance of a Minor Use Permit.

##### a. Civic Use Types.

Cultural Exhibits and Library Services  
Minor Impact Utilities  
Small Schools

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

#### 2145 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the RU Use Regulations upon issuance of a Major Use Permit.

##### a. Civic Use Types.

Administrative Services  
Ambulance Services (see Section 6900)  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Group Care  
Major Impact Services and Utilities  
Parking Services  
Postal Services

2145

b. Extractive Use Types.

Site Preparation

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2146        USES SUBJECT TO MAJOR USE PERMIT IN CERTAIN PLANNED DEVELOPMENTS. The following use types are permitted by the RU Use Regulations if approved by a major use permit as part of a Planned Development which has the minimum site area required by Section 6610 and which is developed pursuant to the Planned Development Standards commencing at Section 6600.

a. Commercial Use Types.

Administrative and Professional Services  
Agricultural and Horticultural Sales (all types)  
Automotive and Equipment: Parking  
Business Support Services  
Convenience Sales and Personal Services  
Eating and Drinking Establishments  
Financial, Insurance and Real Estate Services  
Food and Beverage Retail Sales  
Medical Services  
Participant Sports and Recreation (all types)  
Personal Services, General  
Retail Sales: General  
Retail Sales: Specialty  
Spectator Sports and Entertainment: Limited

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)



## RR RURAL RESIDENTIAL USE REGULATIONS

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 2180 INTENT.

The provisions of Section 2180 through 2189, inclusive, shall be known as the RR Rural Residential Use Regulations. The RR Use Regulations are intended to create and enhance residential areas where agricultural use compatible with a dominant, permanent residential use is desired. Typically, the RR Use Regulations would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired. Various applications of the RR Use Regulations with appropriate development designators can create buffers between residential and agricultural uses, family or small farm areas, or large lot rural residential developments.

### 2182 PERMITTED USES.

The following use types are permitted by the RR Use Regulations:

#### a. Residential Use Types.

Family Residential

#### b. Civic Use Types.

Essential Services

Fire Protection Services (see Section 6905)

#### c. Agricultural Use Types.

Horticulture (all types)

Tree Crops

Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

### 2183 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the RR Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

#### a. Residential Use Types.

Mobilehome Residential "18"

2183

b. Commercial Use Types.

Recycling Collection Facility, Small "2"

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2184 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the RR Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

b. Commercial Use Types.

Cottage Industries (see Section 6920)

c. Agricultural Use Types

Farm Labor Camps

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)  
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)  
(Amended by Ord. No. 7790 (N.S.) adopted 8-01-90)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

2185 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the RR Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.

Group Residential

b. Civic Use Types.

Administrative Services  
Ambulance Services  
Child Care Center  
Civic, Fraternal or Religious Assembly  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services

Group Care  
 Law Enforcement Services  
 Major Impact Services and Utilities  
 Parking Services  
 Postal Services

- c. Commercial Use Types.  
 Participant Sports and Recreation: Outdoor  
 Transient Habitation: Campground (see Section 6450)  
 Transient Habitation: Resort (see Section 6400)  
 Wholesaling, Storage and Distribution: Mini-Warehouses Warehouses (see Section 6300 and Section 6909)
- d. Agricultural Use Types.  
 Packing and Processing: Limited  
 Packing and Processing: Winery
- e. Extractive Use Types.  
 Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6984 (N.S.) adopted 7-03-85)  
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)  
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)



## PART FOUR: DEVELOPMENT REGULATIONS

### GENERAL PROVISIONS

#### 4000 TITLE AND PURPOSE OF THE DEVELOPMENT REGULATIONS.

The provisions of Section 4000 through 4999, inclusive, shall be known as the Development Regulations. The purpose of these provisions is to specify the nature, components, and use of the development regulations and to establish regulations regarding the physical character and intensity of development.

#### 4005 REQUIRED DEVELOPMENT REGULATIONS.

Development Regulations shall be required for every zone within San Diego County except for the Fallbrook Village Zones. Such Development Regulations shall be represented by Development Designators which, together with a Use Designator, as specified in Section 2000 through Section 2999, inclusive; an Animal Designator, as specified in Section 3000 through 3999, inclusive; and any Special Area Designator, as specified in Section 5000 through Section 5999, inclusive; shall describe a zone which conveys regulations of uses, buildings and other structures within San Diego County.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

#### 4006 REPRESENTATION OF THE DEVELOPMENT REGULATIONS.

The Development Regulations shall be represented by 9 designators arrayed in the following order:

- a. Maximum Density ("Density").
- b. Minimum Lot Size ("Lot Size").
- c. Permitted Building Type ("Building Type").
- d. Maximum Floor Area of Individual Building ("Maximum Floor-Area").
- e. Maximum Floor-Area Ratio ("F A R").
- f. Maximum Building Height ("Height").
- g. Maximum Lot Coverage ("Coverage").
- h. Minimum Setback ("Setback").
- i. Minimum Usable Open Space ("Usable Open Space").

4007

**4007 LIMITATION ON SELECTION OF DEVELOPMENT DESIGNATORS.**

Development Designators shall be limited to those specified within the schedules at Sections 4310, 4610, 4810, and 4910, or otherwise restricted by Sections 4110, 4210, 4410, 4510, and 4710 of the Development Regulations. Alterations to schedules or other regulations shall be made pursuant to the conditions and subject to the provisions of the Zoning Ordinance Amendment Procedure commencing at Section 7500.

**4008 DEVELOPMENT DESIGNATORS.**

All applications of the Development Regulations shall contain designators appropriate and auxiliary to the zone's Use Designator. When a designator is not included for the Development Regulations, a dash ("-") shall occupy the location normally occupied by the designator. The meaning of a dash ("-") shall be as specified in the appropriate regulations for each designator. Where a blank space has been used it shall have the same meaning as a dash. Designators shall be included for Development Regulations in accordance with the following table.

<u>Zones</u>	<u>Designators</u>								
	<u>Den- sity</u>	<u>Lot Size</u>	<u>Build- ing Type</u>	<u>Maximum Floor Area</u>	<u>F.A.R.</u>	<u>Height</u>	<u>Cover- age</u>	<u>Set- back</u>	<u>Usable Open Space</u>
Residential	O	R	R	O	O	R	O	R	I
Commercial	O	O	R	O	O	R	O	R	I
Mfg/ Industrial	X	O	R	O	O	R	O	R	X
Agricultural	O	R	R	O	O	R	O	R	I
Special Use	O	O	O	O	O	O	O	O	I

**Key**

**R =** Required. Designator shall always be included within the Development Regulations except that the lot size designator is optional when zone contains "P" designator under Special Area Regulations.

**O =** Optional. Designator may be included within the Development Regulations when deemed appropriate.

**X =** Prohibited. Designator shall not be included within the Development Regulations.

**I =** Designator shall be included within the Development Regulations when the multi-dwelling residential building type or the attached three to eight dwelling units residential building type is or may be permitted within the zone. (Refer to building type designator).

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

**4009        MODIFICATION OF DEVELOPMENT REGULATIONS.**

Modification of regulations specified within the Development Regulations may be approved under the provisions of the Planned Development Standards commencing at Section 6600. Changes of designators specified within the Development Regulations shall be subject to the provisions of the Zoning Ordinance Amendment Procedure commencing at Section 7500.

(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)

**4010        SPECIFIC PLANS**

If a Specific Plan has been adopted for property which is also subject to the S88 Specific Planning Area Use Regulations, any provisions of the Specific Plan relating to subjects contained in the Development Regulations in this part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

**4011        LEGAL LOTS WITH SPLIT ZONING**

Where a legal lot has split zoning, the Use Regulations for each separate zone shall apply. Where a use is bisected by a split zone line within a legal lot the more restrictive Use Regulations shall apply.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)





## DENSITY REGULATIONS

### 4100 TITLE AND PURPOSE.

The provisions of Section 4100 through Section 4199, inclusive, shall be known as the Density Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and its associated Community and Specific Plans, and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

### 4105 DENSITY DESIGNATOR NOTATION.

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively or a zero "0" density indicating no dwelling units are allowed. A dash ("-") shall indicate that no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations (see sections 6156 and 6160).

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 4110 DENSITY REGULATIONS.

- a. Specification of Density. The adopted San Diego County General Plan provides the maximum allowed residential density for residential land use designations. Maximum residential densities expressed in dwelling units per net residential acre may be established in zoning to regulate the density of residential development where densities are not specified in the General Plan or lesser densities than those in the General Plan are deemed appropriate. Any such density may be specified within the Development Regulations.
- b. Density Designator. In no case shall a density greater than that allowed in the General Plan be specified.
- c. Minimum Density. Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential density shall not be specified except in association with a maximum residential density.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6478 (N.S.) adopted 12-1-82)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

4115

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.

The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, as calculated under this section, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density. The use of a dash ("-") as a density designator shall indicate no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

4116 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS WHEN DISCRETIONARY REVIEW IS REQUIRED AND PORTION OF SITE WILL BE REQUIRED FOR STREET RIGHT-OF-WAY.

The maximum number of dwelling units permitted within the exterior boundary lines of property which is subject to approval of a Site Plan or Administrative Permit shall be computed as in Section 4115 except that:

- a. The Director shall obtain a recommendation for necessary street right-of-way requirements from the Department of Public Works; and
- b. Any street right-of-way which would be required by the Department of Public Works in order to obtain a building permit for the subject property shall be deducted in making the above calculations for net lot area.

(Added by Ord. No. 7740 (N.S.) adopted 3-28-90)

4120 EXCEPTIONS TO DENSITY REGULATIONS.

The following are exceptions to the Density Regulations:

- a. Farm Employee Housing. Farm Employee Housing is not subject to Density Regulations.
- b. Farm Labor Camps. Dwelling units built pursuant to a use permit to accommodate a farm labor camp are not subject to Density Regulations.

- c. Density Bonus Projects for Affordable or Senior Housing. An increase in density exceeding the applicable Density Regulations may be approved for projects that reserve housing units for moderate, low, or very low income households or for senior housing in accordance with the Density Bonus Program found at Sections 6350 through 6399.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5676 (N.S.) adopted 12-19-79)  
 (Amended by Ord. No. 5781 (N.S.) adopted 6-4-80)  
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)  
 (Amended by Ord. No. 6029 (N.S.) adopted 4-22-81)  
 (Amended by Ord. No. 6045 (N.S.) adopted 4-29-81)  
 (Amended by Ord. No. 6479 (N.S.) adopted 12-01-82)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 6634 (N.S.) adopted 08-03-83)  
 (Amended by Ord. No. 7319 (N.S.) adopted 06-10-87)  
 (Amended by Ord. No. 7525 (N.S.) adopted 09-07-88)  
 (Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)  
 (Amended by Ord. No. 9020 (N.S.) adopted 04-14-99)  
 (Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

#### 4125 COMPUTATION OF MINIMUM NUMBER OF DWELLING UNITS.

The minimum number of dwelling units required within the exterior boundary lines of any subdivision, or a single lot shall be equal to the product of the total of the net lot area of such subdivision, or lot expressed in acres multiplied by the applicable minimum density designator, if any. A product with any fraction of a dwelling unit shall be rounded up to the nearest whole number of dwelling units.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 4116)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)



## LOT AREA REGULATIONS

### 4200 TITLE AND PURPOSE.

The provisions of Section 4200 through 4299, inclusive, shall be known as Lot Area Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

### 4205 LOT AREA DESIGNATOR NOTATION.

Minimum lot area shall be indicated directly with square feet expressed in thousands, e.g., "6000" and "10,000" indicating 6,000 and 10,000 square feet respectively. Minimum lot area may be expressed as acres, e.g. 1 ac. and 1.5 ac. A dash ("-") shall indicate that there is no minimum lot area.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

### 4210 LOT AREA REGULATIONS.

- a. Specification of Lot Area. Minimum lot areas shall be established to regulate the minimum area that lots or building sites must have before they may be developed, and any such minimum lot area may be specified within the development unit.
- b. Lot Area Designator. In no case shall a minimum lot area of less than 3,000 square feet be designated under the provisions of the Lot Area Regulations, except where a lesser lot area may be permitted under the provisions of the Planned Development Standards commencing at Section 6600, the provisions of Section 4230 relating to lot area averaging, or where otherwise excepted by this ordinance.

(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 4215 MINIMUM LOT AREA TO BE MAINTAINED

No portion of the required area of any lot or building site shall be used or considered as part of the required area for any other lot or building site. No lot or building site shall be reduced in size so that the area thereof is less than the minimum prescribed by an applicable lot area designator except when such reduction results from partial acquisition for public use. No existing lot or building site which has an area less than the minimum required lot area shall be reduced in area, except when such reduction results from partial acquisition for public use.

(Amended by Ord. No. 6855 adopted on 10-10-84)

### 4220 MINIMUM LOT AREA REQUIREMENT MET – SUBSTANDARD LOT.

Any substandard lot or building site shall be deemed to meet an applicable minimum lot area requirement when:

4220

- a. It existed as an entire lot, or as an entire parcel for which either a deed of record in the office of the County Recorder or a bona fide contract of sale was in full force and effect, prior to the date it was first zoned to the zone classification which caused it to be undersized; and
- b. It is not the result of a division of land in violation of any state law or county ordinance.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS.

The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, provided that one of the following requirements is satisfied:

- a. Said lot or building site is created pursuant to a use permit specifying such lesser area or issued for the purpose of authorizing such lesser area, provided that such lot or building site shall in no event have an area less than six thousand (6,000) square feet.
- b. All requirements of Section 4220 of this Ordinance are met.
- c. Said lot or building site is shown on an approved final subdivision map, or on a tentative subdivision map which has been approved or filed for approval, all prior to December 1, 1969; provided that after December 31, 1971:
  - 1. Said lot or building site exists as an entire lot, or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sale is in full force and effect.
  - 2. It is not the result of a division of land in violation of any State law or County ordinance.
- d. Said lot or building site is shown on an approved division of land plat or on a division of land plat filed for approval prior to December, 1969; provided that after December 31, 1971:
  - 1. Said lot or building site exists as an entire lot or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sales is in full force and effect.
  - 2. It is not the result of a division of land in violation of any State law or County ordinance.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

**4222 LOT AREA REQUIRED WHERE PORTION TAKEN FOR PUBLIC USE.**

If a portion of a legally existing lot or building site in any zone is acquired for public use in any manner including dedication, condemnation or purchase, the remainder of such lot or building site shall be considered as having the required lot area provided:

- a. After all applicable front and side yard setback requirements are met, the remainder of such lot or building site contains a rectangular space at least 30 feet by 40 feet in area which is usable for a main building; and
- b. The remainder of such lot or building site has an area of at least 1/2 of that required by an applicable lot area designator except that, in zones requiring a lot area of 1/2 acre or more, a lot area of not less than 6,000 square feet shall be required; and
- c. The remainder of such lot or building site has access to a street. Where the remainder of such lot or building site shall be considered as having the required minimum lot area as herein provided, the rear yard setback required for such remainder shall be 1/2 of the aforesaid applicable rear yard setback requirement.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Section 4223, REDUCED LOT AREA FOR MINOR SUBDIVISIONS, repealed by Ord. No. 7935 (N.S.) adopted 6-19-91), originally Added by Ord. No. 6654 (N.S.) adopted 9-21-83, then Amended by Ord. No. 6855 (N.S.) adopted 10-10-84, then further Amended by Ord. No. 7740 (N.S.) adopted 3-28-90.)

**4224 REDUCED LOT AREA FOR PUBLIC AND UTILITY BUILDINGS.**

Where a lot or building site is devoted exclusively to public buildings and uses owned by a county, city or other political subdivision or to public utility buildings and uses, a Minor Use Permit may be issued authorizing a reduction in the minimum required lot area for such lot or building. No living units shall be permitted on such lot or parcel except to house Fire Protection Service personnel and related equipment.

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 9268 (N.S.) adopted 11-15-00)

**4230 LOT AREA AVERAGING/CONSERVATION SUBDIVISION.**

Lot area averaging is a method associated with land subdivision. Upon approval of an administrative permit, it allows lots in a subdivision to be smaller than would be allowed by the applicable lot area designator, provided the overall density of the subdivision is not increased. The administrative permit is subject to required findings and conditions.

**a. Purpose and Intent**

The purpose of lot area averaging is to allow flexibility in lot size so as to encourage site design that avoids environmental resources, preserves open space areas, and responds to unique site and area features. The intent is that the lots shall relate to the natural features, with larger lots or open space to be located in environmentally constrained areas. Lot area averaging shall not be used to create recreational or compensating open

space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a Major Use Permit (planned development) or a Specific Plan would be the appropriate process.

b. Required Findings

Before an Administrative Permit for lot area averaging may be granted the following findings shall be made:

1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
  - i. Harmony in lot size and configuration, building setbacks and orientation;
  - ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties are compatible in size and shape to the adjoining lots, unless such adjoining area is to be reserved for open space or that adequate buffering has been provided to eliminate any significant harmful effect to neighboring properties;
  - iii. The suitability of the site for the type and intensity of use or development which is proposed;
  - iv. The harmful effect, if any, upon environmental quality and natural resources; and to
  - v. Other relevant impacts of the proposed use.
2. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.
3. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, agriculture or archeological or historical resources, and will be permanently reserved for open space in a manner which makes the County or a public agency a party to and entitled to enforce the reservation.
4. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 7320 (N.S.) adopted 6-10-87)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)



## SETBACK SCHEDULE FOOTNOTES

- a. Any front yard setback requirement shall be deemed to be met when the front yard setback provided at least equals the average of that established by existing buildings which occupy 50 percent or more of the lots which are:
  - 1. Within the same zone;
  - 2. On the same side of the street; and
  - 3. Within the same block or within 300 feet in either direction from the subject property, whichever distance is lesser.
- b. Not used.
- c. Applicable only to lots shown on a final map of subdivision recorded after January 1, 1966, abutting street rights-of-way 50, 52, or 56 feet in width.
- d. This provision applies only to those lots which front on a private street or easement which is less than 40 feet in width. The front yard setback required shall be 40 feet from the centerline of said street or easement. For lots fronting on the terminal end of said street or easement the 40 feet shall be measured from a point on the centerline of said street or easement at a distance of 20 feet in front of the intersection of said centerline and the front lot line.
- e. Where a rear yard opens onto an alley, public park, or other permanent open space, 1/2 of the width of such alley, public park, or other permanent open space, may be considered as applying to the rear yard setback to the extent of not more than 50 percent of the required rear yard setback.
- f. For any legal lot or building site less than 1/2 acre in area, the minimum front yard setback shall be 50 feet from the centerline. No main building shall be located closer than 20 feet from the front lot line.
- g. For any legal lot or building site less than 1/2 acre in area, the requirement for each interior side yard shall be reduced to 10 feet. For any such lot or building site less than 10,000 square feet in area, such requirement shall be reduced to 7-1/2 feet. For any such lot or site less than 7,500 feet in area, such requirement shall be reduced to 5 feet.
- h. Five feet if lot line abuts property in a residential zone.
- i. Exterior side yards shall be at least 5 feet in width measured from the property line.
- j. The combined width of the side yards shall be 15 percent of the lot width, provided that no individual side yard shall be less than 5 feet in width nor required to be more than 20 feet in width, except that an exterior side yard shall have a setback no less than that specified in the Setback Schedule.

- k. Each side yard shall be increased by 2-1/2 feet for each dwelling unit in excess of 2, but in no case need such side yard exceed 10 feet in width.
- l. An additional one foot for each side yard is required for each story above the second.
- m. Fifteen feet if lot or building site is used exclusively for buildings with commercial principal uses or buildings with commercial principal uses with one or more dwellings on the second story.
- n. Five feet for lots with residential principal uses or whose lot lines abut property in a residential zone.
- o. Twenty-five feet from lots with residential principal uses, except that lots with the RR Use Regulations in, or contiguous to, the Campo Del Dios subdivision (Map Nos. 1819, 1832, 1841, 1901, 1954, 2029) shall not be subject to this restriction.
- p. Equal to setback requirement of abutting property that is nearest main building.
- q. If designator applies to a commercial or manufacturing/industrial zone and property fronts on a street where 50 percent or more of the total frontage between two intersecting streets is in one or more residential zones, the front yard setback requirement shall be equal to that of the most stringent residential zone fronting the street.
- r. Yards abutting property in another zone shall have setbacks equal to those required by that zone.
- s. The exterior side yard setback as measured from the nearest edge of the right-of-way shall not be less than that required for the interior side yard.
- t. Twenty feet in front yard abutting a street 30 feet or less in width.
- u. Windmills, wind-driven water pumps and appurtenant structures required for the function thereof, shall be exempted from the provisions of an applicable setback designator.
- v. The "W" setback designator may be applied only to property having use regulations requiring a minimum lot size of 2 acres or greater. Where applied, the interior side yard setback shall be 15 feet for:
  - 1) any legal lot less than 2 acres in area;
  - 2) any legal lot developed with a structure used or intended for use as a dwelling prior to the effective date of the ordinance applying the "W" designator to the property in question; or
  - 3) any legal lot less than 3 acres in area, created prior to August 10, 1988, the original date of adoption of the San Diego County Interim Sensitive Lands Ordinance.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)  
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)  
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
(Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)  
(Amended by Ord. No. 8482 (N.S.) adopted 11-30-94)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

**4813 SETBACKS ESTABLISHED BY MAJOR USE PERMIT.**

When a major use permit for a use or structure is granted, the use permit may authorize an exception to the Setback Regulations and establish other setback and spacing requirements as a condition thereof.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)

4815

## SUPPLEMENTARY SETBACK REGULATIONS

### 4815      ADDITIONAL ROAD SETBACKS.

In addition to the setback regulations established by the Zoning Ordinance, all buildings or other structures shall comply with the setbacks as established by Chapter 3 (commencing at Section 51.301) of Division 1 of Title 5 of the County Code.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Effective 6-15-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80. Effective 7-4-80)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS  
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
a. Accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations.	Not permitted.	Permitted in agricultural, residential and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of required yard-in combination with all detached accessory structures.
b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.	Not permitted.	Permitted in agricultural, residential, and S92 use.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	-----Not permitted-----				

# PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
e. Stands	Permitted where stands are allowed by Section 6156.	-----Not permitted-----			
f. A Photovoltaic Solar Energy System	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.
g. Fences	Permitted in all zones if in conformance with Fencing and Landscaping Regulations commencing at Section 6700.				
h. Outdoor area lighting on poles.	Permitted in commercial and manufacturing/industrial zones only if in conformance with regulations at Section 6324.  Tennis court lighting permitted pursuant to regulations in Sections 6324 and 6708.				
i. Roofed, open sided patios which are attached and part of main building or roofed, open sided patios which are detached, less than 12 feet in height and less than 1,000 square feet in area.	-----Not permitted.-----			Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard.	

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS  
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
j. Sidewalk arcades and similar architectural features of buildings containing principal commercial use types.	Permitted by Minor Use Permit.	-----Not permitted.-----			
k. Uncovered, unenclosed balconies, extending above the level of first floor with exterior access of building.	----- Not permitted. -----				
l. Uncovered, unenclosed porches, platforms or landing places not extending above level of first floor with exterior access of building and not more than 30 inches above grade.	-----Permitted in all zones.-----			Permitted in all zones but may not cover more that 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard.	
m. Cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, fireplaces and garden windows.	-----Permitted in all zones but may not extend more than 2 feet into yard.-----				
n. Open unenclosed stairways, and fire escapes, not covered by a roof or canopy and open beneath.	Not permitted.	Permitted in all zones but may not extend or project more than 3 feet into the required yard.			
o. Bay and architectural windows provided floor area is not increased, not exceeding 24 square feet each in wall opening area, and with a sill height not less than 18 inches above finished floor.	Permitted in all zones but may not extend more than 2 feet into required yard.	Permitted if the required side yard is not less than 10 feet and may not extend more than 2 feet into required yard.	Permitted in all zones but may not extend more than 2 feet into required yard.		

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS  
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
p. Uncovered, unenclosed pedestrian access deck, bridge, ramp or walkway to the level of the floor closest to the street level.	-----	Permitted on single-family lots on downhill side of street but may not project more than 3 feet into any required yard. Must be open beneath.	-----		
q. Guard railings for safety protection around depressed ramps, open-work fences, hedges, or landscape architectural features.	-----	Permitted in all zones but may not be more than 42 inches in height.	-----		
r. Animal containments including pens, coops, aviaries, hutch, stables barns and corrals.	-----	See Animal Regulations commencing at Section 3100-----	-----		
s. Trees, shrubs, and flowers.	-----	Permitted in all Zones	-----		
(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79 (Amended by Ord. No. 5933 (N.S.) adopted 11-19-80) (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83) (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84) (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84) (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85) (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86) (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86) (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)		(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89) (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92) (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95) (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98) (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04) (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08) (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09) (Amended by Ord. No. 10072 (N.S.) adopted 9-15-10) (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)			



## PART FIVE: SPECIAL AREA REGULATIONS

### GENERAL PROVISIONS

#### 5000 GENERAL INTENT OF THE SPECIAL AREA REGULATIONS.

The provisions of Section 5000 through Section 5999, inclusive, shall be known as the Special Area Regulations. The purpose of these provisions is to set forth specialized regulations which have limited application within San Diego County and which assure that consideration is provided areas of special interest or unusual value.

#### 5010 MODIFICATIONS IMPOSED BY SPECIAL AREA REGULATIONS.

The provisions of individual special area regulations shall be in addition to regulations imposed by the Use Regulations, Animal Regulations or Development Regulations. When more than one regulation is applicable to the same subject matter within a zone, the most restrictive regulation shall apply.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

#### 5015 APPLICATION AND DESIGNATION.

- a. Application. A Special Area Regulation shall be deemed applicable when conditions or purposes specified within individual Special Area Regulations are found present within San Diego County and a Special Area Designator is included within a zone.
- b. Location of Designator. Designators for Special Area Regulations shall follow the designators for the Development Regulations.
- c. Notation. Special Area Regulations applicable within a zone shall be indicated by a letter pursuant to the table at Section 5025.

A dash ("-") shall indicate that there are no Special Area Regulations applicable to the property.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

#### 5020 USE PERMITS.

When Special Area Regulations require the issuance of a Minor Use Permit or a Major Use Permit, such permits shall only be issued when the proposed use satisfies all conditions and requirements of the Special Area Regulations and is found consistent with the intent and purpose of the applicable Special Area Regulations.

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5025 LISTINGS OF DESIGNATORS.  
The following shall be used as appropriate.

<u>Designator</u>	<u>Special Area Designator</u>	<u>(See Section)</u>
A	Agricultural Preserve	5100-5110
B	Community Design Review Area	5750-5799
C	Airport Land Use Compatibility Plan Area	5250-5260
D	Design Review	5900-5910
E	Fault Displacement	5400-5406
F	Flood Plain	5500-5522
G	Sensitive Resource	5300-5349
H	Historic/Archaeological Landmark or District	5700-5747
J	Specific Historic District	5749
P	Planned Development	5800-5806
R	Coastal Resource Protection Area	5950-5957
S	Scenic	5200-5212
T	Unsewered Area	5960-5964
V	Vernal Pool Area	5850-5856
W	Flood Channel	5450-5472

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)  
(Amended by Ord. No. 6186 (N.S.) adopted 11-18-81)  
(Amended by Ord. No. 6236 (N.S.) adopted 2-17-82)  
(Amended by Ord. No. 6240 (N.S.) adopted 2-17-82)  
(Amended by Ord. No. 6743 (N.S.) adopted 1-11-85)  
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)  
(Amended by Ord. No. 7127 (N.S.) adopted 5-07-86)  
(Amended by Ord. No. 7630 (N.S.) adopted 5-23-89)  
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)  
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

## AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 5250 TITLE AND PURPOSE.

The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses with portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 5252 APPLICATION OF AIRPORT LAND USE COMPATIBILITY PLAN DESIGNATOR.

The Airport Land Use Compatibility Plan Area Regulations shall be applied to properties located in unincorporated County territory with AIAs set forth in the ALUCPs adopted for the following airports: Agua Caliente Airport, Borrego Valley Airport, Brown Field, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airport, McClellan-Palomar Airport, MCAS-Miramar, MCAS-Pendleton, Ramona Airport and San Diego International Airport.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 5254 USE OF AIRPORT LAND USE COMPATIBILITY PLANS

ALUCPs provide compatibility policies and criteria applicable to properties located within AIAs. New development, redevelopment, expansions, conversions and other uses of land located within the AIA of an adopted ALUCP for which County approval or permit are required shall be reviewed against the established criteria and policies of the ALUCP. Unless the property is already devoted to the proposed incompatible use or the ALUCP is overridden by the County in a manner which renders the use compatible with the ALUCP, the proposal, must comply with the established policies and criteria of the applicable ALUCP. ALUCPs are available at the Department of Planning and Land Use and from the Authority.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 5256 PROJECTS SUBJECT TO AUTHORITY REVIEW

Land use actions within the scope of California Public Utilities Code (PUC) Sections 21661.5, 21664.4, 21676(c), 21675.1 and 21676.5 or any successor or supplementing statutes thereto must be submitted to the Authority. The PUC currently requires Authority review for the following actions:

- (i) adoption or amendments to general and specific plans;
- (ii) adoption or amendment of zoning, building, and other land use ordinances and regulations within the AIA;
- (iii) adoption and amendment of Airport Master Plans;
- (iv) construction plans for new airports;

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- (v) any airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of Runway Protection Zones);
- (vi) all actions, regulations and permits when the Authority has not adopted an ALUCP for an airport; and
- (vii) all actions, regulations and permits when a local agency has not modified a general or specific plan to bring it into conformance with an adopted ALUCP or overruled the Authority in the manner required by PUC Section 21676.5.

The County may, in its discretion, require submittal of projects to the Authority for review when review is not required by the PUC.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 5258 OVERRIDING AIRPORT COMPATIBILITY PLANS

The County consistent with the PUC may overrule land use policies and criteria in the adopted ALUCPs that would otherwise be applicable to unincorporated territory over which the County retains land use authority by taking the following steps:

- (i) holding a public hearing;
- (ii) making specific findings that the proposed action is consistent with the requirements of the State Aeronautics Act, PUC Section 21670, et seq; and
- (iii) approval of the proposed action by a two-thirds vote of the County Board of Supervisors. (See, for example, PCC Section 21676 and 21676.5.)

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 5260 DEVELOPMENT OF LAND DEVOTED TO INCOMPATIBLE USE

Land devoted to an incompatible use prior to approval of an ALUCP may be used in accordance with this pre-existing use even if inconsistent with the ALUCP. To ascertain whether or not an incompatible use was established prior to the adoption of an ALUCP requires a careful review of the status of development entitlements, the scope and nature of development or redevelopment, and Authority policies which may be applicable to infill, reconstruction and other activities that may be deemed an existing incompatible use. Incompatible use determinations are fact sensitive and will be made on a case by case basis by the Director, Department of Planning and Land Use, with input from the Authority when required.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

The open space easement shall not include any area of encroachment within the limits of the encroachment table at subparagraph (i) below. The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified at subparagraph (ii) below. New agricultural operations with approved grading or clearing permits will also be allowed in such open space easements, provided any other type of sensitive lands present are protected as required by the applicable sections of this Ordinance.

- i. For all types of projects the maximum encroachment that may be permitted into steep slope areas shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

Twenty-five Percent  
Slope Encroachment Allowance

Percent of Lot in Slopes of Twenty-five Percent Grade and Greater	Maximum Encroachment Allowance As Percentage of Area in Slopes of Twenty-five Percent or Greater
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

- ii. Notwithstanding the provisions of paragraph (i) above, the following types of development shall be allowed on steep slopes and shall not be subject to the encroachment limitations set forth above:
  - a) All public roads identified in the Mobility Element of the County General Plan or adopted Community or Subregional Plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
  - b) Local public streets or private roads and driveways which are necessary for access to the portion of the site to be developed on slopes of less than twenty-five percent, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
  - c) Public utility systems, provided that findings are made that the least environmentally damaging alignment has been selected.

- d) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
  - e) Trails for passive recreational use according to approved park plans.
  - f) A minimum disturbed area of (i) twenty percent of the entire lot, or (ii) sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
  - g) Any ongoing existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to three years shall be considered to be existing agricultural operations.
- 2. Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering the site plan application makes the following findings:
  - i. The slope is an insignificant visual feature and isolated from other land forms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill;" and
  - ii. The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent rezone has been filed; and
  - iii. The greater encroachment is consistent with the goals and objectives of the applicable community plan.
  - iv. Site Plan review is required, to ensure consistency of design with these regulations.
- e. Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The Board of Supervisors may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.
- f. Significant Prehistoric and Historic Sites. Development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands shall be prohibited except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

## PLANNED DEVELOPMENT AREA REGULATIONS

### 5800 TITLE AND PURPOSE.

The provisions of Section 5800 through Section 5849, inclusive, shall be known as the Planned Development Area Regulations. The purpose of these provisions is to insure the following: 1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in Rural areas.

(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 5802 APPLICATION OF PLANNED DEVELOPMENT SPECIAL AREA REGULATIONS.

These regulations shall be applied where appropriate to achieve the purpose set forth in Section 5800.

### 5804 LIMITATION ON USE AND CONSTRUCTION.

No use or construction otherwise permitted is allowed on land subject to the Planned Development Area Regulations except as follows:

- a. Development of a planned development in accordance with the Planned Development Standards is allowed pursuant to a Major Use Permit.
- b. Civic Use Types are permitted provided that a Major Use Permit is granted for any Civic Use Type (other than Essential Services) for which a use permit is not otherwise required.
- c. The Director may waive the application of this Section to a parcel of not more than 5 acres in area upon a finding that such waiver is consistent with the General Plan and the purposes of these regulations.
- d. The Director may waive the application of this section for a parcel of 5 acres or more for the development of one single-family dwelling upon a finding that such waiver is consistent with the General Plan and the purposes of these regulations.
- e. The decision of the Director pursuant to subsections c and d above may be appealed pursuant to Section 7200 et seq.

For purposes of applying this section, the term "use" shall not include divisions of land into parcels each of which has a gross area of 40 acres or larger.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 7191 (N.S.) adopted 9-10-86)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

5806

5806 INTERIM USES AND STRUCTURES.

The following are permitted on land subject to the Planned Development Area Regulations prior to development pursuant to Section 5804:

- a. Agricultural and Extractive use types otherwise permitted by the Use Regulations.
- b. A Major Use Permit may be granted to authorize, for a specified period of time, any use not involving a significant investment in buildings, structures, or other improvements. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.
- c. A Major or Minor Use Permit or Administrative Permit may be continued, modified, reinstated, or renewed for any use which, prior to the application of the Planned Development Area Regulations to the subject property, was permitted pursuant to a duly authorized use or Administrative Permit.
- d. An Administrative Permit may be granted by the Director to authorize alteration or expansion of existing structures, or erection of accessory structures, other than those authorized in 5806(e), if such construction does not hinder the eventual development of the property as a planned development.
- e. Alteration or expansion of existing one or two family dwellings, or their accessory structures, or addition of accessory structures.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 8506 (N.S.) adopted 3-1-95)

(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)



## COASTAL RESOURCE PROTECTION REGULATIONS

### 5950 TITLE AND PURPOSE.

The provisions of Section 5950 through 5959, inclusive, shall be known as the Coastal Resource Protection Regulations. The purpose of these provisions is to protect and preserve sensitive resources within the California Coastal Zone and to assure that development, use, or alteration of land within major areas of environmental sensitivity, steep slopes, major drainage ways, and outstanding scenic quality is reviewed and approved in accordance with criteria, standards and limitations that will protect coastal resources.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

### 5952 APPLICATION OF THE COASTAL RESOURCE PROTECTION REGULATIONS.

The Coastal Resource Protection Regulations shall be applied to the areas identified in the Local Coastal Program Land Use Plan as Coastal Resource Protection Areas.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

### 5953 EXEMPTIONS.

The following uses and activities are exempt, except as otherwise specified, from the provisions of the Coastal Resource Protection Regulations.

- a. Cultivation of land for agricultural purposes that is currently under cultivation, or that is of less than 10% slope and has been impacted by cultivation within the past five years, provided that no such activity shall take place closer than 10 feet from the top or bottom edge of any slope of 25% grade or greater.
- b. Minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to the planting of trees and shrubs or the construction of other landscape features, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater.
- c. Minor excavations or placement of soil materials incidental to installation of minor structural features, and the installation of such features, which are customarily accessory to a permitted use and do not otherwise require a grading permit or building permit, provided such excavation, placement of soil materials, or construction does not in itself alter the general topographical configuration of the land and does not take place on slopes of 25% grade or greater.
- d. Except for provisions of Section 5955, the construction of an individual single-family residence on an existing lot which contains no slope or portion of a slope that is more than 10 feet in height and has a grade of 25% or greater.
- e. Except for provisions of Section 5955, the construction of structures and establishment of uses customarily accessory to a legally existing principal use.
- f. Except for provisions of Section 5955, the construction of roads shown on the Mobility Element of the San Diego County General Plan.

5953

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)  
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

**5955 COASTAL ACT PERMIT REQUIRED.**

Except as otherwise specified in Section 5953, all uses and development activities are subject to the issuance of a Coastal Act Permit pursuant to the California Coastal Act of 1976.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

**5956 PLANNED DEVELOPMENT REQUIRED.**

Except as otherwise specified in Section 5953, development of property 10 acres or greater in size is subject to the approval of a major use permit for planned development pursuant to Sections 5800-5849 of this Zoning Ordinance.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

**5957 DEVELOPMENT STANDARDS AND REVIEW CRITERIA.**

In addition to applicable development standards and review criteria related to approval of a major use permit for planned development or the issuance of a Coastal Act Permit, the following standards and criteria shall apply to development subject to these regulations.

- a. Steep Slopes. No development, grading, planting, excavation, deposit of soil or other material, or removal of natural vegetation, except as may be necessary for fire safety or installation of utility lines, shall be permitted on steep natural slopes of 25% grade or greater. This standard may be modified only to the extent that its strict application would preclude the minimum reasonable use of a property, as defined herein; provided that such a modification is consistent with the other provisions of this section and that clustering, setback variances, and other appropriate techniques have been utilized to the maximum extent feasible in order to avoid or minimize alteration of such natural steep slopes. No alteration of such natural steep slopes shall be permitted in order to obtain use of a property in excess of the minimum reasonable use. For purposes of this provision, the term "minimum reasonable use" shall mean a minimum of one (1) dwelling unit per acre. Any encroachment into steep slope areas over 25% shall not exceed 10% of the steep slope area over 25% grade. For parcels one acre or less, with all or nearly all of their area in slopes over 25% grade, an encroachment into the steep slope area may be permitted, provided any area to be disturbed from its natural state shall be limited to 2,000 square feet or 20% of the entire parcel (including areas under 25% slope), whichever is greater. Areas with slopes over 25% grade may be used in order to provide access to flatter areas if there is no less environmentally damaging alternative available.
- b. Habitat protection. Development shall be designed, to the maximum extent feasible and giving consideration to adjacent areas and uses, in such a way as to:
  1. Conserve as much existing contiguous area of coastal mixed chaparral and coastal sage scrub habitats as feasible while protecting remaining areas of such habitat from highly impacting uses;
  2. Minimize fragmentation or separation of existing contiguous natural areas;

3. Provide connection of existing natural areas with each other or with other open space areas to maintain local wildlife movement corridors;
  4. Maintain the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat;
  5. Cluster residential or other uses near the edges of the natural areas rather than dispersing such uses within the natural areas;
  6. Conserve the widest variety of physical and vegetation conditions to maintain habitat diversity; and
  7. Preserve rare and endangered species on the site, rather than by transplantation offsite.
- c. Grading.
1. Proposed grading and removal or deposit of soil materials shall not have significant adverse impacts on areas of environmental sensitivity.
  2. Building sites at the top of steep slopes shall be graded to direct runoff away from the top of the slope, or drainage shall be handled in another manner that will prevent erosion of the slope.
  3. Grading activity is prohibited between October 1 and April 1 of each year.
  4. All cut and fill slopes and other graded areas shall be landscaped prior to October 1 with temporary or permanent landscape materials. Such landscaping shall be designed to minimize erosion potential, be adequately maintained and shall be replanted if not established by December 1. Use of drought tolerant native plants is encouraged.
- d. Drainage. Drainage and runoff shall be controlled by appropriate measures, such as installation of on-site energy dissipators and siltation basins, and, when necessary, off-site improvements to prevent siltation of lagoons, their tributary streams and drainageways, and other environmentally sensitive areas. All new subdivisions and commercial developments shall control drainage and runoff so as not to exceed the peak rate of runoff associated with the property in its undeveloped state. To comply with this provision, a runoff and sediment control plan shall be prepared by a Registered Civil Engineer. Such plan shall be based, at a minimum, on the intensity of rainfall expected during a six-hour period once every ten years (ten years, six-hour rainstorm).
- e. Wetlands. All provisions of Section 2818b are applicable to properties subject to these regulations.
- f. Scenic quality. All provisions of Section 5210 are applicable to properties subject to these regulations.
- g. Open space. All open space resulting from application of these regulations shall be placed in a permanent open space easement as a condition of permit approval.

5957

- h. Except as may be inconsistent with "a" through "g", above, Board of Supervisors Policy I-73, Hillside Development, shall apply to property containing steep slopes.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

(Amended by Ord. No. 7008 (N.S.) adopted 8-07-85)

2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.
3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.
4. The property owners shall execute and file with the County and acknowledged agreement (notarized) assuming all risks inherent in construction prior to recordation of a final map and agreeing to abide by all conditions set forth in this Section prior to the sale of any model home; further agreeing that all temporary uses permitted by this section shall be terminated not later than 30 months after issuance of building permits therefore, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said 30 months, and within 30 days of the expiration of said 30 months or extension thereof, all temporary uses and related improvements other than model homes, shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces. In the case where the final subdivision map has not been recorded, the property owner shall further agree that in the event of a final map which includes the property whereon uses authorized by this section are located is not recorded prior to expiration of the Tentative Map, all uses and related improvements, including model homes, shall be completely removed from the premises and the site restored to a clean and safe condition within 90 days from the date of expiration of the Tentative Map. Each agreement shall also contain a statement signed by the property owner agreeing that if all uses and related improvements are not removed as herein required, they may be removed or demolished, and the site restored by the County without further notice. Prior to the erection of any model home, the property owner shall post with the Director a bond in an amount satisfactory to the Director sufficient to defray any expense incurred by the County in either the restoration or conversion of the model homes to a condition suitable for sale for residential occupancy, or in the complete removal or demolition of said uses and improvements and site restoration. The bond shall be released to the property owner or person legally entitled thereto upon satisfactory removal or conversion of the concerned facilities.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)

(Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6118

6118            USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a.        Business Uses.

1.        Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
2.        Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
3.        Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently prosecuted.
4.        Construction office on or adjacent to any site on which a building or construction project is being diligently prosecuted; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5.        Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.
6.        Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.
7.        Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
8.        Government service uses in accordance with the provisions of Section 6120.

b.        Residential Uses.

1.        Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.

2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls
  - b) The trailer shall meet main building setbacks.
  - c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.
  - d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.
  - e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
  - f) The applicant shall furnish security in the amount of \$1,000 in a form satisfactory to the Director for health care trailers exceeding 320 square feet.
  - g) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of deposit shall be refunded or security released.
4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently prosecuted and for which security personnel are employed.

5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.
7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

- a) That the granting of the extension will not be detrimental to the public health, safety and welfare;
- b) That there is a special circumstance or a hardship to the displaced residents;
- c) That the special circumstance or hardship is not the result of the residents own actions.

c. Termination of Use.

1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.
2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 5684 (N.S.) adopted 1-16-80)  
 (Amended by Ord. No. 6082 (N.S.) adopted 6-10-81)  
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)



(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)  
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)  
(Amended by Ord. No. 7109 (N.S.) adopted 4-02-86)  
(Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)  
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)  
(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)  
(Amended by Ord. No. 7468 (N.S.) adopted 5-04-88)  
(Amended by Ord. No. 7482 (N.S.) adopted 5-18-88)  
(Amended by Ord. No. 7640 (N.S.) adopted 7-03-89)  
(Amended by Ord. No. 8205 (N.S.) adopted 2-03-93)  
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)  
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)  
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)



- v. The suitability of the site for the type and intensity of use or development which is proposed; and to
    - vi. Any other relevant impact of the proposed use; and
  - 2. That the impacts, as described in paragraph "a.1." of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
  - 3. That the requirements of the California Environmental Quality Act have been complied with; and
  - 4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.
- b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.
  - c. Notification. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the property where the MET Facility is located and a minimum of 20 different owners shall be notified pursuant to Section 7060c.
  - d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.
  - e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.
  - f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.
  - g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.
  - h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.
  - i. Height. The MET Facility shall be less than 200 feet in height.

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- j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.
- k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)

6124            TEMPORARY OUTDOOR SALES.

Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

- a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:
  - 1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.
  - 2. Duration. The period of operation shall be between October 1 and October 31 for the sale of pumpkins and between Thanksgiving and December 26 for Christmas trees. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the sales event within 10 days after the required end of the sale.
  - 3. Size. The sales lot area shall not exceed 10 percent of the parking area or 10,000 square feet, whichever is less and shall be located most distant from the existing commercial buildings on the property when feasible, to maintain customer parking closest to the buildings. No handicap accessible parking spaces shall be obstructed.
  - 4. Fencing. Temporary fencing up to six feet in height around the sales lot area is allowed, providing the fencing location complies with the Section 6708.

5. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.
6. Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.
7. Site Plan Modification, Minor Deviation or Waiver Not Required. For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan Waiver will not be required for temporary outdoor sales that comply with all provisions of this subsection.
8. Additional Limitations.
  - a) The seller shall obtain any required licenses or permits from the Sheriff pursuant to the Uniform Licensing Procedure of the County Code.
  - b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.
  - c) Temporary sanitation facilities shall be provided.
  - d) The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with pumpkins or with Christmas trees and holiday decorations.
  - e) The sale of food and beverages is prohibited.

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

- b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:
  1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.
  2. Duration. The period of operation of the temporary outdoor sales shall not exceed three consecutive days every 3 months, not to exceed 12 days in a calendar year. Facilities for the temporary sale may be set up one day prior to, and taken down one day following, the three day sales period.

3. Size. The sales lot area shall occupy only the parking spaces that are in excess of the minimum number required for the existing uses on the property and shall be located most distant from the existing commercial buildings on the property, when feasible. No handicap accessible parking spaces shall be obstructed.
4. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.
5. Temporary Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.
6. Site Plan Modification or Minor Deviation Required. For properties that are subject to the provisions of Section 7150, a Modification or Minor Deviation to an existing Site Plan will be required for temporary outdoor sales pursuant to this subsection, unless a waiver is granted pursuant to Section 7156.
7. Additional Limitations.
  - a) The temporary outdoor sales event shall conform to all applicable provisions of state law, including all requirements of the Department of Motor Vehicles.
  - b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.
  - c) Temporary sanitation facilities shall be provided.
  - d) Sales of vehicle parts or accessories, food and beverages, or any other items are prohibited.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 6125 COMMERCIAL FILMING

Temporary commercial motion picture production, television production (including commercials), still photography and related activities on public or private property (excluding public road rights-of-way), for occasional commercial filming on location, subject to the following:

- a. All commercial filming activities shall be conducted under the auspices of the San Diego Film Commission or successor agency. A Certificate of Insurance indemnifying the County of San Diego as an additional insured, shall be provided to the San Diego Film Commission.

- ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.
- iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet.

- 3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.
  - 4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.
- h. Barns and Agricultural Storage Buildings shall be limited as follows:

- 1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.

- 2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator.
- i. Offices. Offices are permitted only in zones subject to the A70, A72, S90, and S92 Use Regulations.
- j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.
- k. Guest Living Quarters. In the A70, A72, RR, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations upon issuance of an Administrative Permit on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:
  1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.
  2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
  3. Guest living quarters shall not be allowed on a lot or parcel having a second dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.
  4. Notice of guest living quarters Administrative Permit applications shall be given as provided in Section 7060(c).
  5. Before any Administrative Permit may be granted or modified, it shall be found:
    - (a). That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
      - (i). Harmony in scale, bulk, and coverage;
      - (ii). The harmful effect, if any, upon desirable neighborhood character;



- (iii). The suitability of the site for the type and intensity of use or development which is proposed; and to
- (iv). Any other relevant impact of the proposed use; and
- (b). That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- (c). That the requirements of the California Environmental Quality Act have been complied with.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

I. Accessory Living Quarters. Repealed.

m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:

1. There shall be no exterior evidence of the conduct of a home occupation.
2. A home occupation shall be conducted entirely within a dwelling, or an attached garage.
3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
6. There shall be no on-premise sale of goods. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.
7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property involved.
8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.
9. The required residential off-street parking shall be maintained.
10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.

11. No more than six non-resident students at one time, and no more than 18 students during any one (1) day may be given tutoring in music, academics, dance, sports (such as swimming or tennis, notwithstanding subsection 1 and 2 above), or other subjects at a residence. No students may be given instruction between the hours of 9:00 p.m. and 8:00 a.m. All provisions of Noise Abatement and Control, Section 36.401 et seq. of the County Code, shall apply.
- n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.
  - o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.
  - p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.
  - q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:
    1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S90 and S92 Use Regulations.
    2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.
    3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,
    4. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold from said stand.
    5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.
    6. No agricultural produce shall be sold from a motorized vehicle.
    7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.
    8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.

9. No commodities other than those listed above may be sold from a produce stand.
  10. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.
- r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.
- s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture provided that:
1. No sales are advertised or made on the premises unless permitted by the use regulations.
  2. Odors and/or fly-breeding are not greater than customarily found at a well-maintained residence.
  3. The vermiculture area shall utilize household or garden waste or materials that are produced on the site. Importing of waste or other materials from another property shall be prohibited.
  4. The volume of raw or composted decomposable organic and bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.
- t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.
- u. Farm Employee Housing. In the RR, A70, A72, S80, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:
1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.
  2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.
  3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.

4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.
5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.
6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.
8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.
9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.
10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:
  - a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - 1) Harmony in scale, bulk and coverage;
    - 2) The availability of public facilities, services and utilities;

- 3) The harmful effect, if any, upon desirable neighborhood character;
  - 4) The generation of traffic and the capacity and physical character of surrounding streets;
  - 5) The suitability of the site for the type and intensity of use or development which is proposed; and to
  - 6) Any other relevant impact of the proposed use.
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - c. That the requirements of the California Environmental Quality Act have been complied with.
  - d. That notice shall be given to owners of property within 300 feet of the exterior boundaries of the legal lot with the proposed farm employee housing and a minimum of 20 different owners pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
- v. Horticultural Sales. In all residential, agricultural, and S88, and S92 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.
  - w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.
  - x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:
    - 1. The second dwelling unit shall either be attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.
    - 2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.
    - 3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A.1. of the County Groundwater Ordinance (Ord. 7994 N.S.) unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:
  - i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit and application for any other applicable permits; or
  - ii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or
  - iii. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.
5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.
6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.
7. Applicants are required to provide evidence satisfactory to the Director of the following:
  - i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;
  - ii. Adequate potable water supply; and

(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)  
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)  
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)  
(Amended by Ord. No. 8409 (N.S.) adopted 6-1-94)  
(Amended by Ord. No. 8502 (N.S.) adopted 3-1-95)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)  
(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)  
(Amended by Ord. No. 8805 (N.S.) adopted 6-4-97)  
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)  
(Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)  
(Amended by Ord. No. 9377 (N.S.) adopted 8-8-01)  
(Amended by Ord. No. 9470 (N.S.) adopted 6-12-02)  
(Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)  
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)  
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)  
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
(Amended by Ord. No. 9982 (N.S.) adopted 4-22-09)  
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)  
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

**6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES.**

Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

a. Outdoor Café Seating and Sidewalk Cafés.

1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:

- i. The outdoor seating area shall be limited in size as follows:

- (a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.
    - (b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.



## 6205 OFF-PREMISE SIGNS.

Off-premise signs may be erected, constructed, placed or maintained only in the locations specified herein and in accordance with an Administrative Permit. No application shall be accepted which is not accompanied by evidence of current approval by the applicable section of the Outdoor Advertising Act, Division 3 of the Business and Professions Code, State of California.

- a. Permitted Locations: Off-premise signs may be placed only in the following locations, unless otherwise prohibited:
  1. On a lot or parcel in zones subject to the C37, C38, M54 and M58 Use Regulations.
- b. Prohibited Locations. Off-premise signs are not permitted in any of the following locations:
  1. In any zone subject to the Community Design Review Area Regulations (Section 5750 et seq.), Scenic Area Regulations (Section 5200 et seq.) or Historic/Archaeological Landmark and District Area Regulations (Section 5700 et seq.) of the Zoning Ordinance.
  2. In any area that is located within the California Coastal Zone.
  3. Within 300 feet of any residential zone having frontage on the same street.
  4. Upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.
  5. Upon or over the right-of-way of any public street.
- c. Setbacks. Off-premise signs with an area per face of more than 32 square feet shall conform to all street frontage setback requirements of the zone in which located. No sign shall be located within the setback for an established official centerline route per Section 4815.
- d. Sign Area. Signs may be single-faced or double-faced with a maximum area per face of 300 square feet.
- e. Height.
  1. No portion of any sign or sign structure shall exceed a height of 25 feet.
  2. All signs shall maintain a minimum clearance of 8 feet between the lowest extremity of the sign and the highest ground elevation directly thereunder.

- f. Spacing. Signs shall be located no closer than 500 feet from any other off-premise sign; said distance to be measured on a direct line between signs on the same street and measured along right-of-way lines for signs on intersecting streets.
- g. Construction. Double-faced signs, unless otherwise specified, shall be so constructed that the area and perimeter of both faces coincide and are back-to-back in parallel planes not more than 3 feet apart. Supporting members of signs with an area per face greater than 128 square feet will be constructed of noncombustible materials.
- h. Appearance and Maintenance. Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.
- i. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted. This restriction shall not apply to signs which convey information such as time, temperature, or weather.
- j. Movement. No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.
- k. Attention Attracting Devices. Flags, banners, pennants, spinners, streamers and similar devices may not be attached to an off-premises sign.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)  
 (Amended by Ord. No. 6743 (N.S.) effective 1-11-85)  
 (Amended by Ord. No. 7169 (N.S.) effective 7-09-86)  
 (Amended by Ord. No. 8028 (N.S.) adopted 1-15-92)  
 (Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)  
 (Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

- s. One sign not exceeding 32 square feet offering premises for sale or lease, shall be permitted along each frontage, except that for any frontage in excess of 500 feet, a sign not exceeding 64 square feet shall be permitted. No sign shall exceed a height of 12 feet. In residential zones, such signs are limited to 4 square feet in area and a maximum height of 6 feet.
- t. Temporary construction site signs, provided that all of the following conditions hold:
  - 1. One nonilluminated sign having a total area of not more than 160 square feet shall be permitted along each frontage; except that 2 such signs may be placed along a frontage having a length in excess of 500 feet.
  - 2. Such signs may be either freestanding or wall signs or may be mounted on a temporary construction fence, and shall be permitted only for the duration of the construction with which associated. Such signs will not be subject to the regulations applicable to freestanding signs or wall signs.
  - 3. Such signs may not exceed a height of 20 feet.
- u. One sign less than or equal to 12 square feet in area for an allowed roadside sales stand, wholesale nursery, Small Winery or Boutique Winery identifying and advertising agricultural products produced on the premises.
- v. One identification sign up to 20 square feet identifying a residential development, multiple dwellings, clubs and similar uses on each street frontage affording primary access to the site.
- w. Identification signs up to a total of 40 square feet identifying hotels, motels, hospitals, parking garages, institutions of religious, educational, philanthropic or charitable nature, and resort service uses subject to the Resort Services Regulations at Section 6400.
- x. For any use type allowed by the granting of a major use permit, placement, number, and size of on-premise signs shall be determined by the conditions of approval of the major use permit.
- y. Signs for recycling facilities provided that all of the following conditions hold:
  - 1. Recycling facilities may have identification signs with a maximum area of 20 percent of each receptacle side or 16 square feet, whichever is smaller. In the case of a wheeled receptacle, the side shall be measured from the pavement to the top of the receptacle;
  - 2. Directional signs, bearing no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of way;

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3. The Director may authorize increases in the number and size of signs upon finding that such increases are compatible with adjacent businesses.
- z. In each instance and under the same conditions as this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristic shall be permitted.

(Amended by Ord. No. 6389 (N.S.) adopted 7-7-82)  
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)  
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)  
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)  
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
(Amended by Ord. No. 9472 (N.S.) adopted 5-12-02)  
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6259            PORTABLE ON-PREMISE SIGNS PROHIBITED.  
Portable on-premise signs shall be prohibited.

6261            ON-PREMISE SIGNS REGULATED.  
Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
  1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.
  2. On premises in any zone where a nonconforming commercial or industrial use type exists.
  3. Fallbrook Village Zones.
- b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:
  1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

2. On premise signs are permitted on sites subject to use permits in accordance with the terms and conditions of the use permit or modification. Signs may be altered, relocated or added upon the issuance of a minor use permit provided that such change is not specifically prohibited by the use permit condition.
- c. Setbacks. Freestanding and projecting signs may be located in or project into any portion of the premises in a commercial or industrial zone.
  - d. Permitted Combinations of Sign Types.
    1. Roof signs shall be permitted in combination only with wall signs, except no roof signs shall be permitted within the California Coastal Zone or in conjunction with an adult entertainment establishment.
    2. Projecting signs are permitted in combination only with wall signs and one freestanding sign, except no projecting signs shall be permitted in conjunction with an adult entertainment establishment.
    3. Two freestanding signs, where permitted, shall be permitted in combination with wall signs. A projecting sign may be substituted for one freestanding sign, except no projecting sign shall be permitted in conjunction with an adult entertainment establishment.
  - e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:
    1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.
    2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized in the Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.
    3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.
    4. The Site Plan waiver provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.
    5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.

- f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(Amended by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)  
(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)  
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)  
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)  
(Amended by Ord. No. 7829 (N.S.) adopted 10-24-90)  
(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)  
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)  
(Amended by Ord. No. 9472 (N.S.) adopted 5-12-02)  
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

## 6263 FREESTANDING SIGNS.

## a. Number Permitted.

1. Premises having a minimum of 50 feet of frontage may be permitted one freestanding sign for each street frontage. Premises having a frontage of 250 feet or more along the same street may have one additional freestanding sign, except that an adult entertainment establishment shall be limited to one freestanding sign for each street frontage.
2. Where two (2) freestanding signs are permitted on a frontage, the allowable area may be combined into one sign, provided the area does not exceed a maximum area of 200 square feet.
3. One freestanding freeway-oriented sign may be substituted for one permitted freestanding sign, except that an adult entertainment establishment shall not substitute a freeway-oriented sign.
4. One sign to identify freeway service facilities is permitted such an establishment as provided by the following subsection (c)(2).

## b. Area.

1. The area of a freestanding sign shall not exceed 1.25 square feet for each linear foot of street frontage, provided the area does not exceed 175 square feet, except that the area of a freestanding sign in conjunction with an adult entertainment establishment shall not exceed 10 feet in height or width and a total of 100 square feet.
2. The maximum area of a freeway oriented sign shall not exceed 300 square feet.

## c. Height.

1. A freestanding sign shall not exceed a height measured from the ground of:
  - i. Eight feet in zones within the California Coastal Zone except that freeway oriented signs shall be subject to the hereinafter specified height limits pertaining to such signs;
  - ii. Twenty feet in zones subject to the Scenic Area and Historic/Archaeological Landmark and District Regulations;
  - iii. Twenty-five feet in any zone subject to the C34, C35, C36, C40, C42, C44, M50 and M52 Use Regulations; or
  - iv. Thirty-five feet in any zone subject to the C37, C38, M54 and M58 Use Regulations.

- v. Six feet in Fallbrook Village Zones V1, V2, V3, V4 and V5.
2. A freeway-oriented sign may be increased 10 feet above the height specified in paragraph 1 above.
- d. Clearance. A freestanding sign that projects above a driveway, parking lot aisle or parking space, shall maintain a clearance of 8 feet. A clearance less than 16 feet, shall be clearly labeled at the bottom of each sign face.
  - e. Projection Over Roof. Any freestanding sign that projects over the roof of a building shall be considered a roof sign for the purpose of establishing the allowable area and shall be subject to the area standards specified in Section 6266.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)

(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)

(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)

(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

## 6265 WALL SIGNS.

- a. Area. The maximum area of wall signs, including permanent window signs, on a single building facing shall be calculated as follows:
  1. Where wall signs are the only sign type on the premises the area shall not exceed 3.5 square feet for each linear foot of building facing, not to exceed a maximum of 350 square feet per building face, except that the area of said wall sign(s) in conjunction with an adult entertainment establishment shall not exceed 15 feet in height or width and a total of 225 square feet.
  2. Where a wall sign(s) and a freestanding sign(s) are used in combination on a premise the area of the wall sign shall not exceed 1.5 square feet for each linear foot of building facing, not to exceed a maximum of 250 square feet per building face, except that the area of said wall sign(s) in conjunction with an adult entertainment establishment shall not exceed 10 feet in height or width and a total of 100 square feet.
  3. Where wall signs are combined with projecting or roof signs (no freestanding signs) on the premises the area of the wall sign shall not exceed 1.0 square feet for each linear foot of building facing, not to exceed a maximum of 200 square feet per building facing.
  4. The allowable area for wall signs on one frontage shall not be combined with the allowable area for wall signs on another frontage.



### 6330 HELICOPTER TAKEOFF AND LANDING AREA REQUIREMENTS.

Upon issuance of a Major Use Permit, a heliport, a helipad or helistop may be permitted subject community plan criteria and to the following criteria for site selection, site development standards, and site operation standards:

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

(Amended by Ord. No. 7673 (N.S.) adopted 9-27-89)

### 6332 SITE SELECTION CRITERIA.

A heliport, helipad or helistop shall meet the following site location criteria:

1. The proposed facilities shall be located on a site which ensures that such use will not adversely affect the adjoining land and the growth and development of the area in which it is proposed to be located.
2. The site shall be so located to ensure that as much as possible, the approach and departure paths leading to and from the facility are over terrain which affords emergency landing areas such as open parks, golf courses, industrial areas, highways, freeways and open land. Approach and departure paths over residential development, schools, playgrounds or highly populated areas shall be avoided.
3. The size and shape of a proposed site shall be adequate to allow full development of the facility in accordance with Federal Aviation Administration (FAA) standards and in a manner not detrimental to the area in which the facility is proposed in terms of peace, health, safety, and general welfare. All helicopter facilities in residential areas shall have a minimum site area of five acres (gross).
4. The site shall be served by streets and highways adequate in width and pavement type to carry the quantity and type of traffic generated by the facility.
5. The site shall be located so as to permit helicopter operations in conformance with the County Code of Regulatory Ordinances regarding Noise Control.
6. The site shall be located no closer than one-half mile, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the California State Department of Transportation.
7. Heliports and helipads shall be located within 0.5 miles of an existing expressway, prime arterial, major road or boulevard as noted in the Mobility Element of the General Plan.

8. These criteria are waived for takeoff and landing areas that meet the definition of "Incidental Landing Area" as defined in this ordinance.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)  
(Amended by Ordinance No. 7673 (N.S.) adopted 9-27-89)  
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 6334 SITE DEVELOPMENT REQUIREMENTS.

A heliport, helipad or helistop shall meet the following site development requirements:

##### a. Heliports, Helipads and Helistops.

1. The length and width or diameter of the takeoff and landing area shall be at least one and one half (1.5) times the overall length of the largest helicopter expected to use the facility.
2. The peripheral area surrounding the takeoff and landing area is intended as an obstacle free safety zone and shall be at least one quarter (1/4) of the overall length of the largest helicopter expected to use the facility, but not less than ten (10) feet.
3. Approach and departure paths to the site shall be governed in accordance with Federal Aviation Regulations (FAR) Part 77 and shall be obstruction free for a minimum distance of four hundred (400) feet from the takeoff and landing area.
4. A wind indicating device shall be provided and maintained at all times in a workable condition.
5. The helicopter landing facilities shall be marked in accordance with and as prescribed by current FAA circulars.
6. Surfacing of the landing facility shall be so as to minimize the blowing of any dust, dirt or other objectionable material onto neighboring property in compliance with the San Diego County Air Pollution Control District Rules and Regulations.
7. Every heliport, helipad or helistop shall be limited in hours of operation to the periods between sunup and sundown daily, unless specifically approved for night operation. The takeoff and landing area of any heliport or helipad approved for night operation shall be provided with adequate lighting, which shall be directed away from adjacent properties or public rights-of-way.
8. Takeoff and landing areas for helicopter facilities in agricultural and residential areas shall be located no closer than 200 feet from any property line. In other areas, takeoff and landing areas shall be no closer than 50 ft. from

## RESORT SERVICES REGULATIONS

### 6400 TITLE AND PURPOSE.

The provisions of Section 6400 through 6449, inclusive, shall be known as the Resort Service Regulations. The purpose of these provisions is to ensure that transient habitation uses providing resort services meet minimum standards of habitability and do not adversely impact surrounding property.

### 6401 APPLICATION.

The section shall apply only to those uses classified in the Transient Habitation: Resort Use Type.

### 6402 GENERAL STANDARDS.

- a. Minimum Site Area. Each resort services use shall occupy a site not less than 5 acres in area.
- b. Density. A resort services use shall not have a density of transient habitation units greater than the higher of the following:
  1. Five transient habitation units per acre, or
  2. The number specified by the applicable Density Designator or the General Plan.
- c. Setbacks from Property Lines. No building or structures, except a fence or wall, shall be located closer than 30 feet to any property line except that in the C42 Zone, setbacks shall comply with those specified by the applicable setback designator.
- d. Campground Space. Each campground space which may be provided shall accommodate only one recreational vehicle or tenting party, be clearly designated, be not less than 1,500 square feet in area, and front on a roadway not less than 25 feet wide that affords access to a street.
- e. Occupancy Limitations. No person or group of persons shall occupy any transient habitation unit as a permanent family residential or group residential use. No person shall occupy one or more transient habitation units anywhere within a resort services facility for more than a total of 90 days in any 12 month period, nor shall the cumulative occupancy by any person of different transient occupation units anywhere within the use exceed a total of 90 days in any 12 month period.
- f. Interior Roadways. Interior roadways in a resort services use shall have a minimum width of 15 feet for one-way roads with no side parking, and a minimum width of 24 feet for two-way roads with no side parking.
- g. Common Open Space. Of the total site area of any resort services use not less than 60 percent shall be developed as picnic grounds, outdoor sport or recreation facilities and/or private park.

6402

- h. Completion of Improvements. None of the transient habitation units of a resort services use shall be occupied until all improvements otherwise required by this ordinance have been completed.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6403        IMPACT ON SURROUNDING PROPERTY.

- a. Public Address Systems. Public address systems shall not be used by resort services at such a volume as to allow words to be understood outside the boundaries of the lot or parcel on which the activity is located.
- b. Outdoor Lighting. Outdoor lighting used by resort services uses shall be adjusted to reflect light away from roads and driveways and from adjoining property, except that a bona fide system of street lights may be used if it does not cause light to be reflected on adjoining property.

6404        ACCESSORY USES.

A resort services use may include the following accessory uses.

- a. Food Services. Restaurants, lunch counters, and/or snack bars.
- b. Assembly. A building or buildings designed for use for indoor meetings, entertainment and/or recreation.
- c. General Store. If 50 transient habitation or more units have been lawfully established in the resort services use, a general store having a total floor area of not more than 1,000 square feet.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

**6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.**

- a. **Density.** A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.
- b. **Reclassification.** Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application or for a mini-mobilehome park with less than nine units.
- c. **Factory-Built Housing.** Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)  
 (Amended by Ord. No. 6432 (N.S.) adopted 8-25-82)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

**6538 GENERAL DEVELOPMENT CRITERIA: MINI-MOBILEHOME PARKS.**

- a. **Compatibility with Adjacent Land Uses.** A mini-mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. To achieve this purpose, a Minor Use Permit for a mobilehome park with less than nine units, conditioned to meet the requirements for exterior siding and roofing materials and eave overhangs specified in Section 6506 b. for mobilehomes on private lots, may be approved by the Director except that no permanent foundation system shall be required. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

- b. Setbacks: Perimeter. Mobilehomes and buildings within a mini- mobilehome park shall maintain the following setbacks:
  - 1. The setbacks established by the applicable Setback Regulations.
  - 2. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park except that this requirement shall not apply to a mini-mobilehome park of less than nine units.
  - 3. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.
- c. Fencing and Landscaping. Mini-mobilehome parks shall conform to the Fencing and Landscaping Regulations commencing at Section 6700. The Director may specify different requirements for a mini-mobilehome park with less than nine units.
- d. Interior Access Drive. Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius. The Director may approve other paving material for a mini-mobilehome park with less than nine units.
- e. Sewer and Water. Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

# 6621 COMPUTATION OF PERMITTED NUMBER OF LOTS.

The maximum density provisions of the General Plan Land Use Element shall be used in the computation of the permitted number of dwelling units. The Director shall compute the residential acreage pursuant to the following:

- a. Computation of Residential Acreage in an Exclusively Residential Planned Development. In a planned development devoted exclusively to residential use types, the residential acreage of the proposed development shall equal the total land area within the boundaries of the development. For the purpose of the application of this subsection the "total land area within the boundaries of the development" shall be defined to exclude any land within rights-of-way of public streets or highways existing or to be dedicated or offered for dedication as part of the project.
- b. Computation of Residential Acreage in a Planned Development Containing Non-Residential Use Types. For the purpose of computing the maximum and minimum density permitted or required in a planned development containing non-residential use types, the residential acreage of the proposed development shall be determined as follows:
  1. For those portions of the site where the residential development (and its associated open space) are separate and distinct from the non-residential development (and its associated open space), the acreage to be used for residential development (and its associated open space) shall be used as the basis for computing density.
  2. For those portions of the site where the residential and non- residential development area not separate and distinct (e.g., they are in the same building or a closely associated group of buildings), the acreage shall be allocated between the residential and non-residential uses on the basis of the floor area, ground area, and other factors which indicate the relative usage of the site by residential and non-residential uses.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6610)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

# 6624 LOT SIZE.

The Lot Size Regulations commencing at Section 4200 shall not apply in a planned development; provided, however, that all required findings can be made pursuant to Section 7350.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6611)

(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

# 6627 BUILDING TYPE.

The Building Type Regulations commencing at Section 4300 shall not apply in a planned development.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6612)

(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6630

**6630 MAXIMUM FLOOR AREA.**

The Maximum Floor Area Regulations commencing at Section 4400 shall not apply in a planned development.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6613)

**6633 FLOOR-AREA RATIO.**

The Floor-Area Ratio Regulations commencing at Section 4500 shall not apply in a planned development.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6614)

**6636 HEIGHT.**

The Height Regulations commencing at Section 4600 shall apply in a planned development; provided, however, that the approving authority may approve buildings and structures of 15 percent greater height, if, in its opinion, such additional height would not have an adverse effect on adjacent properties or on properties or development in the vicinity and would be consistent with the General Plan and the purpose of these development standards. No additional height shall be approved within 100 feet of any external boundary of the planned development adjacent to land in any residential or agricultural zone.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6615)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

**6639 COVERAGE.**

The Coverage Regulations commencing at Section 4700 shall not apply to a planned development; provided, however, that no more than 75 percent of the area of a lot containing a mobilehome shall be covered.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6616)

**6642 SETBACKS-PERIMETER.**

The following setbacks shall be maintained on the perimeter of a planned development:

- a. The Setback Regulations commencing at Section 4800 shall apply to the perimeter of a planned development.
- b. A setback of at least 50 feet from centerline shall be maintained by any mobilehome or other building or structure, except a fence or wall, from any street along an exterior boundary of the development, except that when such street has a right-of-way width greater than 60 feet, a setback of 20 feet from the right-of-way of such street shall be maintained.
- c. Except as provided in paragraph "b", a setback of not less than 25 feet from the exterior boundary shall be maintained.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6617)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)



#### 6645 SETBACK-INTERIOR.

The Setback Regulations commencing at Section 4800 shall not apply to the interior of a planned development; provided, however, that mobilehomes and other buildings shall conform to the following setback and spacing requirements:

- a. **Setback From Interior Way or Other Surfaced Public Area.** No mobilehome or other building shall be located closer than 5 feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use or for use in common by residents of the planned development. Such setback shall generally be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.
- b. **Garages and Carports.** No garage or carport having straight-in access from a public or private circulation street shall be located closer than 20 feet from the nearest edge of the sidewalk of such street, or where no sidewalk exists from the nearest edge of the street right-of-way or road easement.
- c. **Mobilehome Side Yard Setback.** Each lot containing a mobilehome shall have a side yard of not less than 3 feet in width along the entire length of the lot.
- d. **Mobilehome Rear Yard Setback.** Each lot containing a mobilehome shall have a rear yard of not less than 3 feet extending the entire width of the lot.
- e. **Spacing Between Buildings Other Than Mobilehomes.** Wall to wall spacing between buildings other than mobilehomes shall be at least 10 feet. Within the RS, RR, A70 and A72 use regulations, spacing between dwellings (including attached garages) shall be equal to at least twice the width of the interior side yard setback of the zone's setback designator.
- f. **Open Space Surrounding Buildings Other Than Mobilehomes.** Each building other than a mobilehome shall be surrounded by relatively level open space having a slope no greater than 10 percent and extending a minimum distance of 10 feet in all directions measured from the furthest projections of the external walls of the building.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6618)  
(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

#### 6648 OPEN SPACE.

The Usable Open Space Regulations commencing at Section 4900 shall apply to a planned development; provided, however, that the following requirements shall be met. Plot plans for planned developments shall include the dimensions of all usable open space areas to ensure compliance with the minimum size, shape and slope requirements of Sections 4915 and 4917. In the event of conflict between the Usable Open Space Regulations and the provisions of this section, the requirements yielding the most open space shall apply.

- a. **Minimum Open Space.** The total land area in residential use types shall be computed per Section 6621.a or b for purposes of determining the open space requirements. Open Space shall be comprised of a combination of private usable open space and conservation/group open space pursuant to b. and c. below.

- b. Minimum Private Usable Open Space. Private Usable Open Space shall be provided on each lot within the subdivision per the table below:

<b>GP Designation</b>	<b>Usable Open Space per Lot</b>
VR-# (all)	400 sf
SR-# (all)	1000 sf
RL-# (all)	4000 sf

Substitution of group usable open space for private open space may be allowed if the lots cannot satisfy the requirements above. The total area that is not satisfied on individual lots shall be in addition to the Conservation/Group Open Space requirement.

- c. Conservation/Group Open Space. The total useable and/or non-useable open space shall be provided on the project site pursuant to the table below.
- i. Conservation Open Space. Non-useable conservation open space shall be left in its natural state and shall be preserved in an open space easement. No structures or development shall be permitted. Conservation open space shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements, as well as riding and hiking trails designated on a community or subregional plan map, may be applied toward satisfying this portion of the conservation open space requirement.
- ii. Group Open Space. Useable open space shall comply with the standards of Section 4917. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as group usable open space for purposes of this subsection provided it meets the requirements of Section 4917.

<b>GP Designation</b>	<b>Percent Conservation/Group Open Space</b>
VR-# (all)	25
SR-# (all)	40
RL-# (all)	80

- d. Staged Development. If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total planned development.
- e. Reservation for Common Use. All or any part of the required open space may be reserved for use in common by the residents of the planned development except as restricted by the private usable open space requirements of the Usable Open Space Regulations. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the county or a public district or a public agency a party to and entitled to enforce the reservation. The approving authority may require that open space easements over the required open

space be conveyed to the county. (Riding and hiking trails designated on a community or subregional plan map shall be open to the general public.)

- f. Unreserved open space. Any open space in the development not reserved for the use in common of the residents pursuant to subsection "e" hereof, and not subject to the usable open space requirements of Section 4900, may be counted toward computation of the permitted number of dwelling units pursuant to Section 6621.e. However, any project proposing such unreserved open space shall be subject to the following conditions to be contained in the major use permit for the planned development: (1) That a homeowners association be created consisting of all owners of residential property in the planned development, and (2) that the unreserved open space shall be subject to an open space easement.
- g. Additional Requirements for Mobilehomes. In addition to the open space requirements of subsections "a" through "e" and the Usable Open Space Regulations, planned development containing mobilehomes shall meet the following requirements for open space and recreational facilities:
  - 1. At least one substantial area of group usable open space shall be provided. Such area shall:
    - i. Conform to the requirement for group usable open space set forth in the Usable Group Open Space Regulations.
    - ii. Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.
    - iii. Include outdoor recreational facilities for both active and passive recreation.
    - iv. Include completely enclosed recreational facilities consisting of not less than 10 square feet of floor area for each lot containing a mobilehome.
  - 2. All or any part of the group usable open space required by the Usable Open Space Regulations may be used to satisfy the requirements of Paragraph "f.1" if such open space meets the standards for minimum dimension, maximum slope and outdoor recreational facilities set forth herein.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6619)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 7321 (N.S.) adopted 6-10-87)  
 (Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 6650 ACCESSORY STRUCTURES.

The approved plot plan for any planned residential development shall provide standards (i.e., setbacks, sizes, coverage) for permitted accessory structures and buildings or shall specify that the standard allowances of The Zoning Ordinance shall prevail. Such buildings and structures may include but are not limited to swimming pools/spas, patio covers, guest living quarters, storage buildings, detached garages/carports, and outdoor chimneys or barbecue grills.

(Added by Ord. 9690 (N.S.) adopted 12-15-04)

6651

6651            SIGNS.

Signs shall be permitted in a planned development in accordance with the Off-Premise Sign Regulations commencing at Section 6200 and the On- Premise Sign Regulations commencing at Section 6250. Interior street, building and other signs shall be uniform in design and reflect good taste in style and size.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6622)

6654            OFF-STREET PARKING.

Off-street parking shall be provided in accordance with the Parking Regulations commencing at Section 6750.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6624)

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)

(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

6657            CIRCULATION.

All streets within the planned development that by function fall within the system of classification of streets as specified in Article III, Classification (Types) of Streets of the "San Diego County Standards", Ordinance No. 2809 (New Series), as amended, shall be improved to county road standards for the particular classification of street, and all such streets shall be offered for dedication to the public. When the developer desires to retain any such streets as private streets, the county may reject the offer of dedication. Other forms of access, such as pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication. Forms of common access other than dedicated public streets shall be permanently reserved and maintained for their intended purpose by means acceptable to the approving authority and County Counsel.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6626)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

6660            ACCESS.

Any mobilehome, other dwelling unit or other building that is located more than 100 feet from a public or private street or other vehicular way shall have pedestrian access thereto capable of accommodating emergency and service vehicles.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6628)

6663            FIRE PROTECTION.

Fire hydrants and connections shall be installed as required by the Planning Commission and shall be of a type approved by the chief of the local fire district, or, if there is no local fire district, by the County Fire Warden.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6630)

6666            NIGHT LIGHTING.

Light fixtures for walks, parking areas, driveways and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. For normal street lighting, applicable county standards and regulations shall apply.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6632)

#### 6669 ANTENNAS.

A Master Antenna Television (MATV) System shall be provided with underground cable service to at least all mobilehomes and other buildings containing dwelling units. This MATV System shall be provided at no charge for service and shall be conveyed to the homeowners association at no charge. This requirement may be met by the provision of an underground Cable Television (CATV) System by a county-licensed CATV operator. No other exterior television antennas shall be permitted unless authorized by the Planned Development permit, except that individual parcels having dwellings may have dish antennas that are one meter or less in diameter or diagonal measurement.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6634)

(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

#### 6672 UNDERGROUNDING.

All sewer and water facilities, electricity, gas, telephone, and television signal distribution systems shall be placed underground.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6636)

#### 6675 SPECIAL REQUIREMENTS FOR MOBILEHOMES.

In addition to the requirements set forth hereinabove, planned developments containing mobilehomes shall conform to the following requirements:

- a. Area. A planned development containing mobilehomes shall not be less than 5 acres in area.
- b. Fencing and Landscaping. Planned development containing mobilehomes shall conform to the Fencing and Landscaping Regulations commencing at Section 6700.
- c. Storage Areas. Common Storage areas shall be provided within an enclosed fenced area for the residents of the planned development occupying mobilehomes for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall be not less than 50 square feet for each lot containing a mobilehome.
- d. Sewer and Water. Each lot containing a mobilehome in a planned development shall be provided with water and sewer connections in accordance with Chapter 5 of Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health of the Department of Environmental Health. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6640)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

6678

**6678 MODIFICATION OF REQUIREMENTS.**

Modification of these Planned Development Standards may be granted by the authority granting or modifying a Major Use Permit for a planned development when it determines that such modification will not be detrimental to the subject development, adjacent properties, or residents, or the public interest; or the General Plan, provided, however, no modification shall be granted for the density provisions of Sections 6621, nor from the open space provisions of Section 6648, nor from any applicable requirements specified in Chapter 5 of Title 25 of the California Administrative Code, except those which are subject to local modification.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6642)

(Amended by Ord. No. 6031 (N.S.) adopted 4-22-81)

(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

**6679 EFFECT OF AMENDMENTS ON PENDING PLANNED DEVELOPMENTS.**

The amendments to the Planned Development Area Standards found in Ordinance No. 8247 (N.S.), adopted on May 19, 1993, shall not apply to any Major Use Permit for a planned development which was approved by the County, or any application for a Major Use Permit for a planned development which was filed (pursuant to Section 1019 of the Zoning Ordinance) with the County, before June 18, 1993. Said amendments shall not apply to any subsequent Time Extension, Minor Deviation or Ministerial Permit filed pursuant to such Major Use Permits. Said amendments shall also not apply to modifications of these Major Use Permits for a planned development, unless such modifications would change the approved Major Use Permit by 1) increasing the number of dwelling units, 2) enlarging the planned development site, or 3) in the RS, RR, A70 or A72 use regulations, changing the building type of dwellings from residential single detached to any other residential building type.

(Added by Ord. No. 8247 (N.S.) adopted 5-19-93)

6784        REDUCTION OF PARKING SPACES: PARKING ASSESSMENT DISTRICT.

The number of required parking spaces for uses and structures located within an assessment district formed to provide off-street parking shall be reduced by the number of parking spaces provided by the assessment district which are attributable to the subject property. For purposes of this Section, the parking spaces shall be attributed to each lot or parcel in the same ratio that the assessed value of the subject parcel bears to the total assessed value of the assessment district, unless the Board of Supervisors determines that the parking spaces should be attributed to individual parcels in another manner.

(Renumbered without substantive amendment by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3260.)

6785        RELATIONSHIP OF REQUIRED PARKING TO BUILDING SITE.

All required parking and bicycle spaces shall be located on the same legal parcel with the use or structure they are intended to serve, unless the site on which they are located is within the Fallbrook Village Zones and meets the Fallbrook Village Parking Regulations or meets all of the following conditions:

- a. There is a traversable pedestrian route, not more than 600 feet in length over and along public streets or walkways or permanently established easements between the parking or bicycle spaces and the uses or structures to be served; and
- b. The site is already zoned S86 Parking Use Regulations or, all persons owning an interest in the site shall execute and record an agreement not to oppose a reclassification to the S86 Parking Use Regulations and then shall make application and pay the fees for this reclassification.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3272.)

6787        LOCATION OF PARKING ON BUILDING SITE.

- a. Bicycle Spaces. Bicycle spaces shall be located:
  1. At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
  2. As close to building entrances as is practical without interfering with pedestrian traffic.
  3. At ground level.
- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot.
- c. Open Parking. Except as provided in Paragraph "d", open parking spaces shall be outside the ultimate right-of-way of any street and shall be located as follows:

<b>ZONE/USE REGULATION</b>	<b>PERMITTED LOCATION</b>
Residential & Agricultural Zones S80, S88, S90, S92 Use Regulations Fallbrook Village 5 Zone	Anywhere except in a required front or exterior side yard. May be in interior side yard only when separated from abutting property by a 6-foot high solid fence or wall.
C30, C31, C46 Use Regulations	Anywhere except in a required front yard.
Other Commercial Zones, Industrial Zones, S82, S86, and S94 Use Regulations.	Anywhere except in a required landscaped area.
Fallbrook Village Zones 1 through 4	Anywhere in the rear half of the lot.

- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs "a" and "c".

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81. Formerly Sec. 6756.)

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3275.)

(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### **6788 COLLECTIVE PROVISION OF OFF-STREET PARKING.**

A major use permit may be granted to authorize collective off-street parking facilities serving two or more uses, structures in locations subject to commercial, industrial, or S86 Use Regulations subject to the following requirements:

- a. The total parking spaces in such collective off-street parking facilities shall not be less than the sum of the requirements for the individual buildings or uses computed separately in accordance with these Regulations, unless a major use permit approved pursuant to this section specifies another amount.
- b. The major use permit may be conditioned upon the reclassification of the parking area to the S86 Parking Use Regulations, the provision of landscaping, and other appropriate requirements.

(Renumbered without substantive amendment by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3278.)

#### **6790 PARKING SPACE DIMENSIONS.**

- a. Design Manual to Specify. The design manual adopted pursuant to Section 6793C shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.
- b. Handicapped Parking. At least one space of the required parking spaces in any parking area shall be designed for handicapped parking as specified in the design manual. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified in the design manual.



(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3281.)

#### 6792 DESIGN OF BICYCLE STORAGE SPACE FACILITIES.

- a. Enclosed Bicycle Spaces. Structures or lockers containing enclosed bicycle spaces shall be designed and constructed so that such structures or bicycles within them cannot be easily removed. In enclosed bicycle spaces which are not divided into individual lockers or racks, one space shall consist of a floor area at least 2 feet wide and 6 feet long, served by an aisle at least 5 feet wide. Enclosed bicycle spaces may be used in lieu of open bicycle spaces.
- b. Bicycle Spaces. Bicycle racks shall be so designed and constructed that a bicycle can be securely locked with a user-supplied padlock. Racks shall provide a space at least 2 feet in width for each bicycle.
- c. General Criteria. Bicycle spaces shall be:
  1. Clearly designated as being for bicycle parking.
  2. Separated from motor vehicle parking areas and driveways by a barrier, or shall be located in a manner which will minimize the possibility of vehicles striking parked bicycles.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3284.)

#### 6793 DESIGN STANDARDS FOR OFF-STREET PARKING.

Parking spaces and areas shall meet the following design and improvement standards:

- a. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the design manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans which accompany building construction plans.
- b. Landscaping. Except in zones subject to the C37, C38, C40, M54, M58, S80, S82, S88, S90, S92, and S94 Use Regulations, an area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph "c" of this Section and in accordance with the provisions of sections 86.701 et seq. of the County Code.
- c. Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section. The Director shall submit any amendments to the design manual to the Planning Commission for its review and comment prior to transmitting them to the Board of Supervisors.

6793

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3287.)

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6794      **LOADING SPACES.**

All buildings containing commercial or industrial use types, hospitals, or institutions hereafter constructed, converted, established, or enlarged to increase their floor area shall be provided with loading spaces as follows and as specified in the design manual:

a.      **Number of Loading Spaces.**

Total Floor Area on Parcel (Other than floor area devoted to office uses.)	Number of Loading Spaces
Less than 5,000 square feet	0
5,000 to 19,999 " "	1
20,000 to 39,999 " "	2
40,000 to 79,999 " "	3
80,000 square feet and over	4 plus 1 space for each additional 50,000 square feet

b.      **Access.** Loading spaces shall have safe and adequate means of ingress and egress for trucks to and from a public street or alley.

c.      **Exemptions.** Notwithstanding the provisions of this section, mini- warehouses shall be exempted from the loading space requirements.

d.      **Exceptions.** Notwithstanding the requirements set forth in subsections a. and b. above, loading spaces for uses conducted pursuant to a use permit, Historic District Site Plan, or community design review Site Plan in a Special Parking District, shall be determined in accordance with Sections 6782 and/or 6783.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3290.)

(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94.)

6795      **VARIANCES FROM PARKING REGULATIONS.**

Any waiver or modification of these Parking Regulations shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

(Renumbered without substantive amendment by Ord. No. 6940 adopted 4-10-85. Formerly Sec. 3292.)

6799        PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL, AGRICULTURAL AND CERTAIN SPECIAL PURPOSE ZONES.

No person shall park any "commercial vehicle" as defined by the California Vehicle Code in excess of one ton capacity on private property in Residential, Agricultural and the S90 and S92 Special Purpose Zones except as follows:

- a.    When loading or unloading property, or
- b.    When such vehicle is parked in connection with, and in aid of, the performance of a service to or on property in the block in which such vehicle is parked.

Notwithstanding the above provisions, no vehicle shall remain parked in excess of five consecutive hours. Section 6799 does not apply to recreational vehicles or farm vehicles or equipment, including maintenance equipment, necessary for agricultural production on the property where the vehicles and equipment are parked. In Agricultural Zones and the S90 and S92 Special Purpose Zones, a maximum of two vehicles of up to two tons capacity may be parked by a person owning said vehicles and the property where they are parked and who is conducting an agriculturally-related service or activity located elsewhere.

(Renumbered without substantive amendment by Ord. No. 6940 adopted 4-10-85. Formerly Sec. 3295.)

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)



#### 6861 NONCONFORMING LARGE WIND TURBINE SYSTEMS.

Notwithstanding other provisions of the nonconformity regulations, no wind turbine system-large, which is nonconforming due to the lack of permit shall be allowed to add additional wind turbine structures or increase size of existing wind turbines without obtaining a permit as specified in Section 6951.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

#### 6862 ABANDONED WIND TURBINES.

- a. A nonconforming wind turbine shall be considered to be abandoned if its energy output (in kilowatt-hours) for any consecutive twelve months is less than 10% of the expected energy output. (See Definitions - Wind Turbine, Non-Operational).
- b. A nonconforming wind turbine, or a series of wind turbines, which has been abandoned shall be removed. The foundation for the wind turbine(s) need not be removed if it does not present a safety hazard, and the top of the foundation is no higher than six inches above ground level.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

#### 6863 EXISTING CUSTOM MANUFACTURING OPERATIONS

Any existing custom manufacturing operation located in the A70, A72, S90 or S92 Zone meeting the definition of the "Custom Manufacturing Use Type" as set forth in this ordinance at Section 1610 and as determined by the Director may continue operation after September 13, 1991. However, the Nonconforming Regulations commencing at Section 6850 shall apply to such operations.

(Added by Ord. No. 7964 (N.S.) adopted 8-14-91)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 6864 EXISTING GROUNDWATER EXTRACTION OPERATIONS

Any existing activity meeting the definition of a "Groundwater Extraction Operation", as determined by the Director, shall be considered a nonconforming use and may continue said operations after May 8, 1992. However, the Nonconformity Regulations commencing at Section 6850 shall apply to such operation.

(Added by Ord. No. 8050 (N.S.) adopted 4-8-92)



NONCONFORMING USES

## 6865 NONCONFORMING USE - DISCONTINUANCE.

- a. Use Nonconforming Because it is Not a Permitted Use. Whenever a use which is nonconforming, wholly or partly because it is not itself a permitted use where it is located, discontinues active operation for a continuous period of 12 months, such nonconforming use shall not be resumed. Intent to abandon such use shall not be necessary to constitute such discontinuance. Related structures, if any are used, may be utilized thereafter only for a permitted use.
- b. Use Nonconforming for Other Reasons. A nonconforming use which is itself a permitted use where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to use and not structures, may be resumed regardless of the period during which it may have discontinued active operation.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6960)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 7575 (N.S.) adopted 1-11-89)

## 6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

- a. If a structure containing any nonconforming use is damaged or destroyed said structure may be reconstructed, repaired or rebuilt to the predamaged size as lawfully existed prior to the damage or destruction.
- b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code).

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6961)

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94)

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6868

**6868 NONCONFORMING USE - RETENTION OF CONDOMINIUM DENSITY.**

If the structures containing a condominium or stock cooperative, as defined by Section 1351 of the California Civil Code, that are nonconforming with regard to density, are damaged or destroyed, said structures may be reconstructed, repaired or rebuilt so as to retain the same number of dwelling units as lawfully existed prior to the damage or destruction.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

**6869 NONCONFORMING USES--REPAIRS, ALTERATIONS AND EXPANSION OF STRUCTURES CONTAINING NONCONFORMING USES.**

**a. Structure Containing a Nonconforming, Nonresidential Use.**

1. If less than 50 percent of an individual structure is occupied by a nonresidential use which is not a permitted use where it is located, the structure may be repaired, altered, and expanded so long as the area occupied by the nonconforming use is not relocated within the structure or on the premises, and is not expanded except as permitted by Section 6871.a.
2. If 50 percent or more of an individual structure is occupied by a nonresidential use which is not a permitted use where it is located, the structure shall not be expanded. No structural alterations or repairs shall be made to such a structure except:
  - i. Repairs or alterations which are permitted by Sections 6867 or 6869, or required by law.
  - ii. Repairs or alterations, the cost of which does not exceed 20 percent of the replacement value of the structure in any one year.

**b. Structure Containing a Nonconforming Residential Use.**

A building containing a residential use which is not a permitted use where it is located may be repaired, altered, or enlarged, including the addition of detached accessory structures, and the area and boundaries of a parcel containing such a building may be altered, provided that:

1. Such alterations or enlargement shall conform to other applicable regulations, and



## MISCELLANEOUS GENERAL REGULATIONS

### 6900 AMBULANCE SERVICE.

Ambulance services in zones subject to the RU Use Regulations shall comply with the following provisions.

- a. **Exclusive Use.** No business, other than emergency ambulance service, shall be conducted on the premises nor shall any office equipment or signs be located on the premises.
- b. **Setback.** The ambulance service shall be located no farther than 1,500 feet from an improved road which is designated as no less than a Minor Collector by the Mobility Element of the San Diego County General Plan.
- c. **Use of Warning Equipment.** No siren or flashing lights or any other emergency warning equipment shall be used prior to reaching such Collector Highway as described in subsection "b" above.
- d. **Storage.** Ambulance shall be parked or stored entirely within an enclosed building.

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 6901 CEMETERIES

- a. **Continued Operation of Previously Existing Cemeteries.** By Ordinance No. 7854 (N.S.), Division 6, entitled "CEMETERIES", of Title 8 of the San Diego County Code, was repealed, in recognition that the requirement of this Zoning Ordinance that a major use permit be obtained for the establishment or expansion of a cemetery, substantially satisfied the objectives of said Division 6. Said Division 6 required a cemetery permit for the establishment or maintenance of a cemetery, except for their continued maintenance, development and operation within the boundaries of cemeteries as established on February 24, 1942. Therefore, for purposes of this Zoning Ordinance, cemeteries which were legally established on or before February 24, 1942 and have not discontinued operation pursuant to Section 6865, shall be deemed to be nonconforming uses.
- b. **Additional Standards for Cemeteries.** Before any Major Use Permit for a cemetery may be granted or modified, in addition to the findings required by Section 7358, it shall be found, based upon a financial statement of the applicant and such measures or programs as the applicant may propose, that the cemetery will be established, cared for and maintained in such a manner as to prevent the same from becoming a public nuisance.

(Added by Ord. No. 7850 (N.S.) adopted 1-16-91)

6902

6902 ANIMAL WASTE PROCESSING.

All animal waste processing operations shall comply with the following provision.

- a. Location. No animal waste processing operation shall be located closer than 1/2 mile from property in a zone which does not permit animal waste processing operations; provided that this requirement need not be met if the Planning Commission or Board of Supervisors finds that a closer location will not adversely affect property in a zone which does not permit animal waste processing because of one or both of the following circumstances:
  1. The effect of natural topography will largely negate any adverse influences of the waste processing operation on property in such zone; or
  2. The property in such zone is vacant or essentially vacant due to its topography, location, access, or other factors, is not reasonably expected to be developed within the time period for which the major use permit is granted.
- b. Minimum Site Area. No animal waste processing operation shall be established or maintained on a lot or parcel unless such lot or parcel is 5 acres or more in area.
- c. Setback. No building, machinery or stockpile in connection with the operation of animal waste processing subject to this section shall be maintained closer than 1,000 feet from the nearest pool, tennis court, public playground or dwelling located outside the boundary of the parcel or contiguous parcels associated with the animal waste processing operation at the time the Major Use Permit is granted. This requirement need not be met if the Planning Commission or Board of Supervisors finds that the animal waste processing facilities will not create significant adverse impacts to residences within said 1,000 feet and that the Major Use Permit findings at Section 7358 can be made.
- d. Operation Plan. The applicant shall submit with his application plans, specifications and a description of the operation in sufficient detail so that the proposed operation can be fully evaluated as to any potential adverse effects on surrounding territory. Such plans shall include but not necessarily be limited to the following:
  1. Site Plan showing the location of all structures and functions of the operation.
  2. A description of machinery, process and products.

b. Permit.

1. Cottage Industries are permitted, upon issuance of a Minor Use Permit, only in the A70, A72, S90 and S92 Use Regulations, and in the RR Use Regulations on parcels of four acres gross or larger.
2. A Minor Use Permit for a Cottage Industry shall be granted for seven years, unless the Director determines that a shorter period is more appropriate to insure conformance with the intent and standards of this section or other applicable requirements. Any person holding an unexpired Minor Use Permit for a cottage industry may apply for a modification pursuant to Section 7378 to extend its expiration date. The expiration date of any unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall, however, be automatically extended by operation of Ordinance No. 7964 (N.S.) to September 13, 1998.
3. The Director, in acting on an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991, shall not apply the 1,000 square foot maximum floor area standard specified in Section 6920d.4. below. The maximum floor area applicable to an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall be the square footage authorized and constructed prior to September 13, 1991.

c. General Standard. The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.

d. Specific Standards. Cottage Industries shall conform to the following requirements:

1. The Cottage Industry shall be a secondary use of a parcel containing a dwelling occupied as the principal residence of the owner or operator of the Cottage Industry.
2. The use shall be conducted entirely within a dwelling, garage, or accessory building which retains the appearance of buildings normally associated with dwellings.
3. Dwellings or garages modified in conjunction with this use shall, on sides adjacent to streets, retain the appearance of a single detached dwelling and garage. The required number of off-street parking spaces shall be maintained.
4. The maximum floor area devoted to the use shall not exceed 1,000 square feet.
5. Not more than 3 persons may be employed on the premises in addition to the members of a single family residing on the premises.
6. No on-premise signs or advertising is permitted except as permitted for home occupations (one sign not exceeding 2 square feet in area displaying the name and occupation of the occupant).

7. No Cottage Industry may be owned, operated, managed, or leased by any person within one mile of any other Cottage Industry owned, operated, managed, or leased by the same person.
  8. The Cottage Industry shall conform to the Performance Standards for the applicable use regulations. (See Section 6300)
  9. Production of goods shall be by hand manufacturing methods which involve the use of hand tools or mechanical equipment not exceeding the use of five horse power at any one time, or a single kiln not exceeding 8 cubic feet in volume. The applicant shall provide a description, including horsepower ratings, of all power tools intended to be utilized.
  10. Incidental direct sale to consumers of only those goods produced on site may be permitted subject to any limitations specified by the Minor Use Permit.
- e. Decision. If the officer or body having jurisdiction over a permit for a Cottage Industry determines that a particular use does not comply with all applicable regulations or that the permit cannot be conditioned by adequate requirements to ensure compliance with all applicable regulations, the permit shall be denied.

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)  
 (Amended by Ord. No. 6195 (N.S.) adopted 12-2-81)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)  
 (Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

- 1) Non-camouflaged facilities
- 3) Faux Trees
- 4) Any and all wireless facilities not defined as invisible or low visibility.

High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.

- I. Industrial zones – are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.

Invisible – Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.

- L. Lattice Tower – A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.

Low Visibility – the following shall be considered Low Visibility facilities if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:

- 1) Whip antennas not exceeding six feet in length or height, including mounting, and measuring no more than 3 inches in diameter, located on existing structures including, but not limited to, water storage tanks, high-voltage transmission towers, utility towers and poles, sign standards, and roadway overpasses, if the addition, including any vertical mounting, does not result in an increase in height of the structure of more than 5 feet, and with equipment cabinets that are screened from view by means other than new walls or fences and have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet. Cabinets in underground vaults are not included in the size calculation.
- 2) Panel-shaped antennas that are flush-mounted to an existing building façade or other existing structure on at least one edge, extend a maximum of 24 inches from the building façade or other structure at any edge, do not exceed the height of the building or other structure by more than five (5) feet and are designed to blend with the color and texture of the existing building or structure, with no equipment cabinet visible.
- 3) Facilities, including equipment cabinets, that are camouflaged from public view through the use of architectural treatments, such as cupolas, faux water towers, windmills or other structures and which are consistent with existing development and community character.

- 4) Additions to existing permitted low-visibility facilities if the additions themselves meet the definition of low visibility and are designed to minimize visibility of both the facility and equipment cabinets that have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet and are screened from view by means other than new walls and fences. The equipment cabinet may be larger if contained inside a structure consistent with the architecture and character of the site.
  - 5) Changes to an existing building that are consistent with the building's architectural style and the equipment cabinet is not visible.
- M. Monopalm – a monopole camouflaged to resemble a palm tree.
- Monopine – a monopole camouflaged to resemble a pine tree.
- Monopole – A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.
- P. Panel Antenna - An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called directional antennas.
- R. Residential Zones – for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.
- Roof Mounted Antenna – Any antenna with its support structure placed directly on the roof of any building or structure.
- Rural Zones – are defined as consisting of the following zones; A70, A72 and S92.
- S. Service Area – The area served by a single telecommunications facility.
- Service Network – The telecommunications transmission system operated by a service provider in a community or jurisdiction.
- Special Purpose Zones - are defined as consisting of the following zones: S82, S86 and S94.
- T. Telecommunications – The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- Telecommunications Tower - Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.
- Tower – See Telecommunications Tower.

- W. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director of Planning and Land Use; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities.

(Added by Ord. 9549 (N.S.) adopted 4-30-03)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 6984 APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director of the Department of Planning and Land Use may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

- A. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.
- B. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.

## C. Narrative.

1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.
2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
4. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.
5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
6. Fire Service. Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.
7. Hazardous Materials. Listing of all hazardous materials to be used onsite.
8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.
9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
10. The lease area of the proposed facility on the plot plan.
11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)



PREFERRED ZONES	NON-PREFERRED ZONES
<p>(a.) C32, C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, M56, M58, S82, S86, S94, and S88 when the facility would be located in a commercial or industrial component of the Specific Plan.</p> <p>(b.) Upon approval by the Director of Planning and Land Use of a Wireless Community Master Plan, the Preferred Zones for that defined geographic area shall be replaced by the locations shown in that Plan for the provider or providers covered by the plan.</p>	All other zones

2. The preferred locations are as follows:

PREFERRED LOCATIONS	NON-PREFERRED LOCATIONS
<p>(a.) (1) Existing structures, including, but not limited to, water tanks, utility towers and poles, traffic lights, "cobra-style" street lights, and roadway overpasses in non-residential zones when the size and scale are compatible.  (2) Commercial and industrial buildings.  (3) County or other government facilities (e.g., fire district buildings, road stations, freeway park and ride lots), excluding Elementary and Middle schools and County parks.  (4) Co-location in zones other than residential to a total of three (3) towers each.</p> <p>(b.) Upon approval by the Director of Planning and Land Use of a Wireless Community Master Plan, the Preferred Locations for that defined geographic area shall be replaced by the locations shown in that plan for the provider or providers covered by the plan.</p>	All other locations.

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- B. Each application shall identify the zone and location preference that the proposed facility is meeting. If the proposed facility is not in a preferred zone identified in 6986 A (1) or if it is not in a preferred location identified in 6986 A (2), the applicant shall provide a map of the geographical area and a discussion of preferred sites that could potentially serve the same area as the proposed site and describe why each preferred site was not technologically or legally feasible. Facilities proposed to be located in County parks are excluded from this requirement when the Director of the Department of Parks and Recreation has issued a letter of concurrence.
- C. Projects in a non-preferred zone or non-preferred location shall not be approved when siting in a preferred zone or preferred location is feasible unless a finding is made that the proposed site is preferable due to aesthetic and community character compatibility.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

## 6987            DESIGN REGULATIONS

- A. All applications at sites subject to a “H”, “J”, “B” or “D” design review designator shall also meet all requirements pursuant to Zoning Ordinance Sections 5700 – 5747 for “H” designators, 5749 for “J” designators, 5750 – 5799 for “B” designators or 5900 – 5910 for “D” designators.
- B. All camouflaged facilities shall be designed to visually and operationally blend into the surrounding area in a manner consistent with community character and existing development. The facility shall also be appropriate for the specific site (i.e., it should not “stand out” from its surrounding environment, such as a faux tree standing alone in a field or standing at a greater height (five feet or more) than other trees on the site).
- C. No facility shall be allowed on any building or structure, or in any district, that is listed or eligible for listing on any Federal, State or local historical register unless it is determined by the Historic Site Board that the facility will have no adverse effect on the appearance of the building or structure or its eligibility for historic designation. No change in architecture nor High Visibility facility is permitted on any such building, any such site or in any such district.
- D. In cases where the facility site is visible from a Scenic Highway, as identified in the General Plan, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.
- E. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than 24 inches out from the building face.

- F. All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species, whenever feasible, and camouflage, and to be compatible with existing architectural elements, building materials and other site characteristics. The applicant shall use the least visible antennas possible to accomplish the coverage objectives.
- G. Colors and materials for facilities shall be non-reflective and chosen to minimize visibility. Facilities, including support equipment and buildings, shall be painted or textured using colors to match or blend with the primary background. All cabinets visible to the public shall be treated with a graffiti-resistant coating.
- H. Beacon lights shall not be included in the design of facilities unless required by the Federal Aviation Administration and shall be included when calculating the height of the facility.
- I. No High Visibility facility, including ancillary support equipment, may be located between the face of a building and a public street, bikeway, trail or park.
- J. No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two unless a greater number is required by law.
- K. All high visibility facilities shall be sited in such a manner as to cause the least detriment to the viewshed of adjoining properties.
- L. Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the edge of the building as possible or otherwise screened to minimize their visibility.
- M. No net loss in required parking spaces shall occur as a result of the installation of any wireless telecommunications facility.
- N. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian pathways, nor inhibit equestrian activities on designated public or private trail systems and shall be screened from the sidewalk by landscaping, undergrounding or other means, excluding new walls and fences.
- O. In cases where the facility site is visible from a County park or is proposed to be located in a County Park, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.

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- P. The use of chain link fences for security of equipment is permitted if the fence is fully screened by landscaping. No razor wire or barbed wire is permitted. Slats do not satisfy the requirement for screening.
- Q. Site lighting shall be kept to a minimum in every instance, shall be shielded to direct the light downward, shall be controlled by a manual switch or timed switch of no greater than one hour's duration and shall not be used except when nighttime maintenance is necessary.
- R. No facility sited on a ridgeline or hilltop shall be approved unless the facility blends with the surrounding existing and man-made environment to the maximum extent possible and a finding is made that no other location is feasible.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6988            MAINTENANCE

- A. All graffiti on any components of the facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way must be removed within 48 hours of notification.
- B. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
- C. If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.
- D. All wireless telecommunications sites shall be kept clean and free of litter.
- E. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6989            ABANDONMENT OR DISCONTINUATION OF USE

- A. All operators who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intentions no less than 60 days prior to the final day of use.
- B. Wireless telecommunications facilities with use discontinued shall be considered abandoned 90 days following the final day of use.
- C. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first. .